

2016-2018 KAUAI COUNTY COUNCIL-ELECT MEETING

NOVEMBER 23, 2016

The 2016-2018 Kaua'i County Council-Elect Meeting of the Council of the County of Kaua'i was called to order by Councilmember-Elect Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, November 23, 2016 at 9:07 a.m.

Councilmember-Elect Rapozo: There is no need to approve the agenda or anything, as this is the agenda. Does anyone have any questions or concerns? If not, we will go ahead and take public testimony. Is there anyone in the audience wishing to testify before we start?

PUBLIC TESTIMONY.

All public testimony for this Meeting will be taken at the beginning of the Meeting. Each speaker shall have a total of three (3) minutes to speak on the items for discussion listed below.

There being no one to provide public testimony, the meeting proceeded as follows:

Councilmember-Elect Rapozo: We will move on to "Items For Discussion."

ITEMS FOR DISCUSSION.

Members elected to the Kaua'i County Council for the term commencing December 1, 2016 will conduct a meeting to discuss their Organizational Structure for the upcoming 2016-2018 Council term. Items to be discussed are:

- Appointment of the Presiding Officer *Pro Tem* for the Organizational Meeting.

Councilmember-Elect Rapozo: Can I get a motion?

Councilmember-Elect Kagawa moved to nominate Councilmember-Elect Rapozo as the Presiding Officer *Pro Tem* for the Organizational Meeting, seconded by Councilmember-Elect Kaneshiro.

Councilmember-Elect Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to nominate Councilmember-Elect Rapozo as the Presiding Officer *Pro Tem* for the Organizational Meeting was then put, and unanimously carried.

Councilmember-Elect Rapozo: Thank you. Next item.

- Discussion of the selection of the Council Chair and the Council Vice Chair for the 2016-2018 Council term.

Councilmember-Elect Rapozo: Can I get a motion? Obviously, I would like to remain as the Council Chair, but that is...

Councilmember-Elect Kawakami moved to nominate Councilmember-Elect Rapozo as the Council Chair and Councilmember-Elect Kagawa as the Council Vice Chair for the 2016-2018 Council term, seconded by Councilmember-Elect Kaneshiro.

Councilmember-Elect Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to nominate Councilmember-Elect Rapozo as the Council Chair and Councilmember-Elect Kagawa as the Council Vice Chair for the 2016-2018 Council term was then put, and unanimously carried.

Councilmember-Elect Rapozo: Motion carried. Thank you very much. Next item.

- Discussion of the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term.

Councilmember-Elect Rapozo: I have prepared what I am proposing for this next term, which will be passed out, and that will be the basis of our discussion today (See Attachment 1). We are just going to start at the top with the Public Works / Parks & Recreation Committee. I tried to pair Committee Members with our companion Administrative agencies across the street and tried to figure out the best that we can work together and actually move forward in the next two (2) years. As you see, there has been some changes, but the Committees are somewhat the same. I am suggesting that we bring back the Community Assistance Committee, which we had in the past. I am also proposing that we add a Veterans Services Committee. There are some pending Veterans issues, specifically, the expansion of the cemetery in Hanapēpē. We have been in negotiations with the Federal government, and the State has been very generous in providing money for us to maintain that area, but we are running out of space and we need an expansion. I

believe it is going to take the Council to assist with some type of resolution and also some Council lobbying with our Congressional Delegation to move forward so that we can get the funding to expand. That Committee would take elderly, housing, transportation, homeless issues, and veterans. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: Have you spoken to other Councilmembers-Elect about this arrangement?

Councilmember-Elect Rapozo: I have spoken to several Councilmembers-Elect as far as being interested in retaining Chairmanship. I have spoken to a few Councilmembers-Elect about what I was thinking should I be successful in retaining Chairmanship. As far as whether or not the Councilmembers-Elect are going to support it or not, that I do not know.

Councilmember-Elect Yukimura: You did not speak to me as the current Housing & Transportation Committee Chair about my interest, and I would very much like to continue as the Housing & Transportation Committee Chair. I think I am the most knowledgeable in that area. I have worked on that matter for years. I think I have served in that position with competence and dedication. As Housing & Transportation Committee Chair on housing issues, I worked with the Administration and the Housing Agency to make Kolopua Apartments a permanently affordable project as well as Ko'ae Workforce Housing Development. I think I am also perhaps one of the few Councilmembers-Elect who is going to be serving full-time. It takes a lot of time and energy to work on these issues. I am also working with an Affordable Housing Advisory Committee on some very major changes to the Housing Ordinance. Then as Housing & Transportation Committee Chair on transportation issues, I have been working with the Sustainable Transportation Committee statewide. I have been very involved with these issues, and I would very much like to continue doing that work.

Councilmember-Elect Rapozo: Okay. Councilmember-Elect Chock.

Councilmember-Elect Chock: Councilmember-Elect Rapozo, would the Community Assistance & Veterans Services Committee include housing and transportation?

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Chock: Okay. Would it include anything else?

Councilmember-Elect Rapozo: It would also include elderly affairs. I guess it was before you came on the Council, but back in the day, it would be anything that relates to the community. The County used to have an Office of Community Assistance, which included the Housing Agency, Transportation Agency, and the Agency on Elderly Affairs. Those would be the key agencies/areas. I added veterans services for the reasons I specified earlier. Also, the Chamber of Commerce has created a Veterans Committee as well, which I was made aware of several months ago. I just did not think it was prudent to try to change the structure in the last term

and I figured we would just wait to see this new term. That is pretty much how it would be structured.

Councilmember-Elect Chock: Okay.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I see that Councilmember-Elect Brun is designated as Chair of this Community Assistance & Veterans Services Committee and I am wondering if he would be willing to change where you have suggested I would be the Public Safety Committee Chair. If we put Veterans Services with Public Safety, then he could Chair that. I would like the Community Assistance & Veterans Services Committee to change back to the Housing & Transportation Committee.

Councilmember-Elect Rapozo: Okay. Let me just...

Councilmember-Elect Yukimura: Councilmember-Elect Brun can be a member of the Committee and if he has a major interest in housing and transportation, then he could use that membership to really get up to speed in those areas.

Councilmember-Elect Rapozo: Okay, we will entertain that. Let me just address it. Again, like I said earlier, I spent a lot of time trying to figure out the right...and there is not right answer. Obviously, this is my suggestion and my proposal that in my opinion and experience what would work best, but obviously, that is totally subjective, it is just my viewpoint. One (1) of the tasks when we get a new Councilmember is where do we put that new Councilmember? I have served on Councils where the Council Chair said that they should not serve as a Chairperson of any Committee and obviously, I disagree. The fact that he is a new Councilmember is not a concern, and when I look at where Councilmember-Elect Brun fits in; I do not know how many years I have known him, but as long as I have known him and regardless of all of the crap that is being said on social media, as long as I have known Councilmember-Elect Brun, he has been a man of the community. That is all he has done and that is all he does, between his family and the community. He is very intimate with homeless and housing issues, and he has participated with many groups to help address the problems that they have faced. The civilians do not get the recognition when they do things as volunteers without an organization, but I think it is a great fit.

Now, let me preface my next comments with the fact that none of this is personal. I have to look at this as someone that takes all the information that I receive. I will tell you that the performance of the Housing Agency in the last term was challenging. The relationships were challenging. I think anytime one (1) of us, regardless if you are Chair, Vice Chair, voting member, or an ex-officio member, whenever one (1) of us is given the task of representing this body whether it is a task force, a working group, or in my case, with Hawai'i State Association of Counties (HSAC), our job is to represent the Council, not Mel Rapozo's opinion or anyone else's. When I go to a task force meeting, my job as the Council representative is to represent the Council, and I do not believe that occurred with the Housing groups

in the last term. I have received numerous concerns of which I am not going to disclose anybody's name because people are very afraid. The reality is that I have had enough concern brought to me that those task force meetings are not very productive because of the Council and our intervention, and yet I think when we look back at the major projects here on Kaua'i, the Council has taken very strong positions and those positions need to be taken to these meetings and supported. I will give you an example. As the HSAC Chair, my duty is to take this Council's position to the State. Recently, we had an issue regarding the exemption of the County Manager from the Civil Service statute. Initially, I was supportive of the Council-Manager form of government, and as it came to the vote, hearing from the public, it did not appear that the public really wanted that, so I voted against it. Councilmember-Elect Yukimura came up with a resolution to exempt that position from the Civil Service statute, which was the recommendation from the Attorney General in his opinion. When I got to HSAC, my job was no longer what Mel Rapozo felt, it was what the Kaua'i County Council felt and that is how I voted. Had that been a regular meeting, I do not know today if I would have supported that measure, but at the HSAC meeting, my job was to fully support the action that this Council took, and that is what I believe our duty and obligation is as representatives of this body. I believe from what I have been told that has not been happening. Councilmember-Elect Brun.

Councilmember-Elect Brun: Thank you, Councilmember-Elect Rapozo. I am honored that I was selected as a Committee Chair. I might not have the experience as an elected official to Chair a Committee, but these are the things that I am doing, working in the community with the elderly, the homeless, and the veterans. It is a big thing that I want to work on. I would be honored if I could get the support as the Committee Chair and I want to keep that Committee if the Councilmembers-Elect vote me in as the Committee Chair, that would be something I would really want to work on, you have my commitment that I will work very hard. Thank you.

Councilmember-Elect Rapozo: To Councilmember-Elect Brun's credit, he already has a 2:00 p.m. meeting scheduled today as a Councilmember-Elect working with someone in the community that has a proposal or a solution for our drug problem. That to me is showing great initiative. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I have no objections to putting Public Safety and including Veterans, drug use, and homeless issues in that Committee. I do not know what task force meetings you are referring to Councilmember-Elect Rapozo, but you made some kind of elusion to the fact that there are task force meetings that are not going well. Can you kind of explain what that is about?

Councilmember-Elect Rapozo: I spoke generally, task force or Citizen Advisory Committee (CAC). I believe it was a Citizen Advisory Committee, which I have been told and in fact, I confirmed yesterday with the County Housing Director that they do not attend anymore. They have chosen not to attend the Citizen Advisory Committee (CAC) because it was very adversarial. I do not know. I have not spoken to any of the members of the CAC about what I spoke to the Housing Director, Kanani Fu, about.

Councilmember-Elect Yukimura: I spoke to Ms. Fu yesterday as well, and she has no objections to me continuing being the Chair. I think she called and told you that, both the Mayor and Ms. Fu do not want to interfere with the decision-making of the Council, but they do not want to be used either as saying that they are not willing to work with me. I think we have worked very well together. Councilmember-Elect Chock has been attending our Affordable Housing Advisory Committee meetings and I have not heard any complaints about it being adversarial, but there are many different opinions that are expressed. Mr. Deal is also there in the Committee and we have lively meetings because we consider every idea and every opinion. We have arrived at amazing consensus given the diversity of the people, so to have that be used as criticism of my leadership is extremely unfair. Ken Rainforth, who is the former Housing Director, has been instrumental when working on this and has also been in very close contact with his former colleagues so that we are getting their input and discussion, I am doing this. I have asked them to come to the Committee Meeting and Ms. Fu has been there prior to her position as the Director, but she has come as a great advocate. If the meetings have been lively, it is because she has been very strong in stating her position, which I have not disagreed with, but others have, and she has been very good at explaining it. I think it has been very productive meetings.

Councilmember-Elect Rapozo: Have I been misinformed that they no longer participate in the CAC meetings?

Councilmember-Elect Yukimura: They come sometimes and they do not come sometimes. I do not know. They have not told me, "We are not going to be there."

Councilmember-Elect Rapozo: But would you not think that they should be there?

Councilmember-Elect Yukimura: I have invited them, it is an open invitation. We notify them of every meeting that we are going to have.

Councilmember-Elect Rapozo: I think that is the genesis of my...

Councilmember-Elect Yukimura: Well, then let us have them come forward and...

Councilmember-Elect Rapozo: It is not for them to say,
Councilmember-Elect Yukimura. Listen, this is how...

Councilmember-Elect Yukimura: But it is your framing ...

Councilmember-Elect Rapozo: Hang on. No.

Councilmember-Elect Yukimura: ...of what they are saying.

Councilmember-Elect Rapozo: That is right.

Councilmember-Elect Yukimura: So it would be better for them to say it directly.

Councilmember-Elect Rapozo: I am not going to put anyone here on the spot to pick a side. The reality is this, this is what I have perceived, this is what I believe...

Councilmember-Elect Yukimura: You were not at the meetings.

Councilmember-Elect Rapozo: I do not need to be at the meeting. What I am saying is that this is the lineup that I believe would best suit this County. That is my suggestion. We serve different constituents. Different people talk to me and different people will talk to the rest of you. Based on what I have been informed, I believe that this is the best lineup. Now, we go through this every two (2) years. I do not think there has ever been a proposed slate that has finished that way. There is always opportunities to negotiate switches and obviously if you want to get on another Committee, just like what Councilmember-Elect Yukimura just did, if they are willing to switch or whatever, that is what today is about, but I ask that we do that in a professional way and we move forward. Regardless of how I got there, this is my suggestion. If you trust in my leadership, my proposal and suggestions, or if you...I am not going to sit here and ask, "Councilmember-Elect Kagawa have you heard the same thing? Councilmember-Elect Kaneshiro have you heard the same thing? Councilmember-Elect Chock have you heard the same thing?" I am not going to do that. I do not want this to be a blah, blah, blah. This is what I believe works best for us moving forward. At the end of the day, I give you my commitment that whatever is decided today, I will support at the Inaugural Meeting. I am not going to oppose it. When we go to Inauguration, what I am hopefully looking for is a 7:0 vote because that is what the body wished for. We did not get that the last term and I am hoping we can do it this term. Regardless of what happens, I will support the decision that is made by this body. Whether I am happy or not, I will support it at the Inauguration. Councilmember-Elect Chock.

Councilmember-Elect Chock: Thank you, Councilmember-Elect Rapozo. I have attended a handful of the Affordable Housing Advisory Committee meetings. I have not seen any adversarial issues come up, in fact, it has been pretty good. The truth is, we have not had the Housing Committee represented.

Councilmember-Elect Yukimura: Housing Agency.

Councilmember-Elect Chock: Housing Agency, sorry. I thought that Ken was taking that role on and that is kind of what I am hearing Councilmember-Elect Yukimura say. One of the things that came up for me in discussing the content of what the Committee has been doing with Ms. Fu and I was surprised to hear that they are not really supportive of the recommendations that are coming forward in any amendment, that is when I started to question it. When I heard additional comments in our discussion that there is difficulty in working with Councilmember-Elect Yukimura, then that is a red flag for me and something that needs to either be worked out, which is my understanding of what you have taken on

to do, and that they are either afraid to say otherwise or are really truly wanting to work with you. Whatever the case is, I think that we need to—and I am okay with it. I understand how much work and effort Councilmember-Elect Yukimura puts into housing, I could see a hybrid and would be supportive of some type of a hybrid, but I do think that some of those issues that might be coming up, whether or not they have been worked out or not, need to be vetted. That is just based on, like you, what I have been hearing and have gotten feedback on. That is all I can offer at this point. I certainly want people to go to where they want to, because that is where their passion is, but I also think that the working relationships need to be there in order for anything productive to occur.

Councilmember-Elect Yukimura: Councilmember-Elect Rapozo.

Councilmember-Elect Rapozo: Yes. Really quick before you go, Councilmember-Elect Yukimura, I have tried. Last night as I was doing the final revisions on this proposal, I tried very hard to put people where they wanted to be. I always wanted to be a running back in football and I never got to run the ball because it was what was best for the team. I kind of see myself in that role as the Council Chair. I have to try and put people where they want to be, but at the same time, I have to put people where the relationship between the Administration and the Council is productive, and this is what I believe is the best fit. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I do not believe the Housing Agency or the Administration has taken a position on the housing amendments yet. I spoke with Ms. Fu yesterday and we talked about the different pieces of it, but we have not even finalized the proposal and they have not yet finalized their position. So whether they support it or not does not mean that I should not be the Committee Chair. I think we have to work through our differences, that is part of the process. I do not think the Administration wants a Housing Committee Chair who is just a rubber-stamp. My allegiance is not the Housing Committee or the Council per se, my allegiance is to getting housing for our people in the best way possible. In order for us to figure that out, we need to have a full discussion and discuss the places where we agree and disagree because that is the main issue. How are we going to provide housing? There are different ways to do it. Some ways will get us there faster and more effectively than other ways. That is what we are trying to do. We have such a big problem. If we are trying to erase differences, or say there should not be differences, or say that a Committee Chair should not ask questions about the Administration's proposals, I do not think that works for the final result of getting more affordable housing.

Councilmember-Elect Rapozo: Well, I appreciate that explanation because that clarifies it for me. I mean this with no disrespect, but I think you just said that you do not believe that you represent the Council, or the Committee, or the Administration, but you are acting independently to make sure that we get housing for the people. Now hearing that, I understand and can actually appreciate what I am hearing. In other words, now it makes sense, because you are there as JoAnn Yukimura with JoAnn Yukimura's agenda and your philosophy as to how this should be done. That is honorable, but you can do that as a citizen or an individual

Councilmember, but you do not do that as the Committee Chair or as the Council's representative. Again Councilmember-Elect Yukimura, do not take this in the wrong way, I am just saying it clears it up for me and now I can understand it, but that is not the function of the Council's representative, in my opinion. Now listen, if you folks disagree, like I said, I am going to walk out here hopefully friends with everybody and I am going to support the decisions today, but if I am off-base, then I need to know as well. I really need to hear from everybody because I can understand and I can actually commend Councilmember-Elect Yukimura for doing that, but that is not the role of a Committee Chair in my opinion. Anyway...

Councilmember-Elect Yukimura: Councilmember-Elect Rapozo?

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Yukimura: It is not about JoAnn Yukimura's agenda, but it is about the concerns each one of us have and the ability to bring them up and raise them, and not be penalized for doing so. I do not do these things alone. When I have a concern that Kolopua Apartments is going to be in the market after thirty (30) or sixty (60) years, I shared that with the Housing Agency, Kamuela Cobb-Adams and Gary Mackler came back and said, "What if we give one million dollars (\$1,000,000) of HOME Investment Partnerships Program (HOME) moneys and then the developer gives us the land after sixty (60) years, then we have the land and it is permanently affordable?" We will have land for affordable housing in Princeville forever. That is how you get to better solutions. On Kaua'i, where I was worried about a thirty (30) year buyback, I went to Tom Shigemoto and said, "Tom, can we work a win-win deal? Kukui'ula, Alexander & Baldwin, Inc. (A&B), or Kukui'ula Development gives us land and off-site infrastructure, we build the units, and then it will be permanently affordable workforce housing in Po'ipū." When Tom said, "Yes," we both went to the Administration and since then, the Housing Agency has been working with Kukui'ula Development to implement it, we then came to the Council and we got Council approval. That is the way that I work, we work together, I raise my concerns, I figure out a way to address it, and if people agree, we all work together to achieve that.

Councilmember-Elect Rapozo: Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: I think I am comfortable leaving Housing where it is and the way it is. This is just my opinion, but one of the biggest housing projects that we have coming forward is Lima Ola. I have seen Ms. Fu up here pretty stressed out trying to answer questions. It is not a bad thing, but I personally think being able to move forward to get a project like that going on the West Side is a good thing. I think I am comfortable having Housing and the leadership where it is being proposed.

Councilmember-Elect Rapozo: Do you mean where it is in my proposal?

Councilmember-Elect Kaneshiro: Yes.

Councilmember-Elect Rapozo:

Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: There are really serious concerns with regard to Lima Ola, so I should not be penalized for raising that, but there is an agreement between the Housing Agency and myself that we agree on the first increment, and everybody is saying that we will hold off on the second increment because we are not sure, and that is going to come up at another time.

(Councilmember-Elect Kagawa was noted as not present.)

Councilmember-Elect Yukimura: I think that it is out of raising these issues that there actually has been a work toward a compromise. Lima Ola is the only part of the Housing Agency's agenda that I have not agreed with. I have supported the Housing Agency every place else. I have brought up questions regarding Lima Ola because there are legitimate issues about them. We do not know how we are going to solve the traffic problem, it is already a major traffic problem. With six hundred (600) homes, it will be much more of a problem. We have to raise that issue and if it is not addressed, it will continue to be raised.

Councilmember-Elect Rapozo:

Councilmember-Elect Brun.

Councilmember-Elect Brun: Thank you, Councilmember-Elect Rapozo. It is not about being a rubber-stamp, it is about working relationships and working together. It is not what I want, what they want, but it is what we want and what is best for our island. Being called a rubber-stamp is kind of...it took half an hour to get that out. I have a good relationship with the Housing Agency, I look forward to us working together and getting what we can to build what we can, and work on the traffic problem that we have with Lima Ola. It is probably an issue that, we have to work on, but we need affordable housing and we need it badly. Lima Ola is probably the first real project that we have had on the West Side in a long time. I think it is a good project, I think we should support it, and work together to figure out what kind of problems we have and fix it.

(Councilmember-Elect Kagawa was noted as present.)

Councilmember-Elect Rapozo: I think we could debate the project credentials, the needs, the agreements, or the disagreements about the projects. I think it is not about the project itself. If we keep saying that we cannot build houses until we fix the traffic problem, then we do not need a Housing Agency because the traffic problem is not going to be resolved in the distant future. It is going to be a while. The Kapa'a project with the review of the General Plan Update, it is like, okay, we are going to take away what we thought we were going to give because of traffic. Traffic has to be worked on along with the project and with the housing because if we just say, "We are not going to build because of traffic," then we do not really need a Housing Agency. Let us just wait until we fix the traffic and then we can reconvene. My concern today, and I think Councilmember-Elect Chock said it much more eloquently than I could, is there relationship issues, and there are issues involving members of the Housing Agency that have concerns for whatever reason. For some reason, most of the people we deal with across the street are very...I do not know if it

is afraid. Maybe it is afraid, but they talk to us differently. When you talk to them out on the street at football games, it is all one way, but when you start dealing with the issue, there is some apprehension for whatever reason. I wish it was not there, but it is. That is the bigger concern of mine, how do we get past that? Councilmember-Elect Chock.

Councilmember-Elect Chock: I just wanted to clarify my position. I am totally okay with differences. What I am looking at and what I am interested in is willingness. If people are not willing to, and if it is different, if what I have heard you say is that you had a conversation with them yesterday and that they are willing and want to, then I just need to hear it because that is not what I heard. Either someone is lying or...

Councilmember-Elect Yukimura: Did you talk to her?

Councilmember-Elect Chock: Yes, I did.

Councilmember-Elect Yukimura: And?

Councilmember-Elect Chock: And it is an issue, so that is why I said, "Talk to them." If they have changed their minds and if they have taken a different stance, then I am...

Councilmember-Elect Yukimura: Then why can we not have them come and speak?

Councilmember-Elect Rapozo: Listen, because I am not going to put anyone on that chair today...

Councilmember-Elect Yukimura: Yes, but you are using your...

Councilmember-Elect Rapozo: But I can tell you that...

Councilmember-Elect Yukimura: ...framing.

Councilmember-Elect Rapozo: I can tell you what I will do, we will take a ten (10) minute recess and each of you can call her.

Councilmember-Elect Yukimura: Okay.

Councilmember-Elect Rapozo: Each of you can call her because I can tell you this and again, I hate doing this because Ms. Fu is trying to be a player as well. She is being a team player and it is unfair that her name even came up today, but I can tell you that there are concerns and I do not think that it is fair that I tell you what she told me and Councilmember-Elect Yukimura tells you what she told her.

Councilmember-Elect Yukimura: I agree.

Councilmember-Elect Rapozo: So rather than have her come up here and be in a very awkward position, we will take a recess and you folks can all call her. Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: I do not need to call her. I listed a project, but it was not a specific project. It is how we handle disagreements as being the Committee Chair and how we question them. A lot of the questions could have been answered ahead of time in meetings prior and it does not have to be a fight here. Again, it is the relationship and how they work with it. Lima Ola was just an example of how it gets awkward sometimes at the meetings where they are just getting pounded on. You have the Committee Chair pounding on the Housing Agency, and it is not just pounding on them, it is how do we move forward with this? Again in my personal opinion, I am fine with the way it is and I do not need to call Ms. Fu. I did not mean to mention her name because I think even when Mr. Cobb-Adams was up here, he even had to deal with some tough questions and it was pretty uncomfortable. So it is just the relationship and how are we able to move forward. We can pound on them here, but we still need to keep a relationship to be able to move forward on other projects, and that is my one hesitation. I want us to be able to work together and move forward on projects this year. I think we have a great Council and I think we have a lot of potential to do that. That is why I am standing by what I said as far as being okay with it the way it is. I do not need to call anybody on it.

Councilmember-Elect Rapozo: I think all of us except Councilmember-Elect Kawakami and Councilmember-Elect Brun that obviously were not here in the last two (2) years, I think we should have kind of a perception in all areas of this County. The reality is perception is reality. That is a very true statement that my perception is my reality, and this is my perception. My perception obviously could be wrong and that is what today's discussion is about. Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: Thank you, Councilmember-Elect Rapozo. I would just like to preface my statements by saying that I am not going to be focusing on the current discussion, but focus on my personal feelings towards the positions that I have been slated in, and I support the positions that you have slotted me into. I personally am not so much concerned about how the Administration views their counterparts on the Council. We do not get to choose what Department Heads we get to work with and so personally, I do not think they should. Of course they are entitled to their opinion, but we are dealt the cards that we are dealt with. As far as the matter of leadership, I have nominated you as the Council Chair, so I will support your leadership and I personally support the slate as far as the positioning that I have been placed into. I would like to say that if anybody is not happy with where they are slotted, I would be happy and able to assume any additional responsibility if people are not happy with what they got. Thank you, Councilmember-Elect Rapozo.

Councilmember-Elect Rapozo: Is there any other discussion?
Councilmember-Elect Chock.

Councilmember-Elect Chock: I would probably echo some of the last sentiments that Councilmember-Elect Kawakami said in terms of flexibility. I think

I have shown interest in the Planning Committee and building relationships in working with the Planning Department, but I am very open to moving to where it would best suit everyone's interests collectively.

Councilmember-Elect Rapozo: I see your hand, Councilmember-Elect Yukimura. In discussing with the Administration, the reason why Councilmember-Elect Chock is slotted as the Planning Committee Chair is because they have a good working relationship. In fact, I have heard from constituents that maybe too good of a relationship. At the end of the day, I think the representation of the Council with the Planning Department and the Planning Commission under your leadership works, and that is obviously why that has remained. So that is the purpose and reason. Again, I tried to put people where I believed they could serve best and this is what I have decided. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I just want to say that I am not saying that we should stop building housing until we solve our traffic problem. That is not my position, but looking at the Multimodal Land Transportation Plan, it has said that we cannot solve our traffic problems by infrastructure alone, that land use and where we put housing is part of solving the transportation problem. So, that is the issue with Lima Ola. I am not saying that we do not need affordable housing. Of course we need affordable housing, but where we place the affordable housing affects not only the traffic, but it affects the household income that is allocated or needed for daily operations. If we place affordable housing close to workplaces, we really save our families a lot of money. We talk about the high cost of living and the high cost of living is affected by transportation costs, so that is why we have to look at where we put affordable housing. I want to say that leadership is about facilitating and being concerned about everyone, and I think my commitment and effectiveness with respect to housing has been demonstrated over and over again. I was not even asked or consulted about this. I have suggested what I think would be very reasonable compromises that would make it work for all of us. If Public Safety could include Veterans, drug use, and homelessness, then we could have a Housing & Transportation Committee. I think that would help every one of us get what we need and can work with. If you are basing your concerns about my relationship with the Administration, if that is the reason you are making your decision, then I ask you to please verify it first and not make it based on what someone else thinks is the relationship. I have two (2) years left, I want to get the work done that I have started on, I do not think anybody would say that I have not been thinking about the public interest in all the efforts that I have made for housing and transportation, and being in this position enables me to continue this work. It allows me to, for example, be on the State Sustainable Transportation Committee where we can influence the State, which we have to do because the State is such a big player in transportation on Kaua'i. You can support the leadership of Councilmember-Elect Rapozo and still take independent positions thinking about all members of the County Council and a fellow colleague on the Council. I am hoping that you would consider that, some of my needs and concerns as well, because they are still based on achieving the public interest and the best for the people of Kaua'i.

Councilmember-Elect Rapozo: One of the most important Committees on the Council is the Planning Committee. Councilmember-Elect Yukimura is right,

I did not consult with her, and neither did I consult with Councilmember-Elect Kaneshiro who was removed from the Planning Committee. He just saw that this morning. I had expected some, I do not know what you call it, backlash. "What is going on Councilmember-Elect Rapozo? Why?" This is why, and again, when I look at the direction or the way we are headed with the General Plan Update coming up, we have some major planning issues that are going to be coming up. Councilmember-Elect Kaneshiro is employed by Grove Farm Company, Inc. and the last thing we need is a Committee Chair who has to recuse himself on the majority of the big issues that may come forward. Councilmember-Elect Kaneshiro saw that this morning, accepted it, and said, "You are right Councilmember-Elect Rapozo." Again, this is just my perception of what I believe. Some of us have been doing this for a long time and we can foresee issues as we go down the road, and I appreciate Councilmember-Elect Kaneshiro's willingness to say, "Do you know what?" I did not expect that, but I appreciate it. I think today's meeting is about that. It is about figuring out if there is something. Councilmember-Elect Yukimura is doing a great job trying to explain to everyone why she believes she should have those Committees, and at the end of the day, it is up to us and what we think is best for this County. Councilmember-Elect Kawakami made a really great point, but it really does not matter what the Administration does or says because you are right, we inherit that the Administration as people are who have to work with. It is really trying to figure out what works best for us going forward. Before we go on because I do not want to deny anyone the opportunity to have that discussion, and if you do not want to take that opportunity, that is fine, but I think it is important that if we have not already gotten the consensus or feedback from the Housing Agency, that you do make that call. We will take a short recess. I understand, Councilmember-Elect Kawakami, why you said, "Why are we even going to go down that road," but I want to give everyone the opportunity because obviously what I was told, what Councilmember-Elect Chock was told, and what Councilmember-Elect Yukimura was told is not the same. With a show of hands, how many of you are going to make that call? Okay, then we do not have to take a recess.

Councilmember-Elect Chock: I will.

Councilmember-Elect Rapozo: Oh, you will?

Councilmember-Elect Chock: I already texted her.

Councilmember-Elect Rapozo: Okay. Go ahead.

Councilmember-Elect Chock: For the record, I do agree with the sentiment. They have to work with whoever we give them, but the issue is, the issue no matter if Councilmember-Elect Yukimura is the Committee Chair or not, and that is what I am focused on. Again, it is just a matter of productivity and weighing out the best as we make decisions. My hope is that gets resolved nonetheless.

Councilmember-Elect Rapozo: It will get resolved one way or the other. Did you have your hand up, Councilmember-Elect Kagawa or Councilmember-Elect Kaneshiro? If not, I am going to go back to Councilmember-Elect Yukimura?

Councilmember-Elect Kaneshiro: I do not want to retract, but I was going to say that I enjoyed be on the Planning Committee during the last term, it is an exciting Committee, but I looked at the list and I agree with your sentiments. There could be times where I would need to recuse myself and it would really hurt the voting on the Committee. I agree with that, and whether those issues come up or not, I agree with the logic. As far as me looking at this, I am fine with the spots that I am in and I am comfortable to move forward as-is.

Councilmember-Elect Rapozo:

Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: Councilmember-Elect Kaneshiro is getting the main Committee that he wants and he sees the rationale for moving out of the Planning Committee, which is fine. I would like to propose again, Housing & Transportation with the changes or moving the suggestions of drug use, homelessness, and Veterans to Public Safety. If Councilmember-Elect Kawakami does not mind having Councilmember-Elect Brun as Committee Vice Chair and me as Committee Chair of the Housing & Transportation Committee, then I think we could have a really good compromise.

Councilmember-Elect Rapozo:

Councilmember-Elect Kagawa.

Councilmember-Elect Kagawa: Do we need a floor amendment for that? I feel like I want to be clear on what the changes Councilmember-Elect Yukimura is proposing and what amendment we are going to be voting on. Then, we can just vote it up or down. I, like Councilmember-Elect Kawakami, accept the work that you have done. I just want to thank all of you since I did not speak earlier about the leadership. I think given that I finished fourth, I could see the upper three (3) wanting to take the position that has been granted to me. I totally understand it, so I am honored that I have your support. The other comment where she mentions that she wants to accomplish a lot in her last two (2) years, I think with the way elections are going, we all think of it as possibly our last two (2) years because you do not know what is going to happen. It is pretty crazy how it changes. From the last election, I think I dropped about three thousand (3,000) votes, so my time could be next. We all have to have that sense of urgency in trying to solve the problems dealing with Kaua'i. Affordable housing is very important. Even if we are not the Committee Chair or even if we are ex-officio members, if we have a solution and an interest, that does not stop us from working on the item, introduce a bill, or introduce an amendment that can better the solutions for the problems that we see. When I first got elected, I never looked at being a Chair or Vice Chair of the Committee as a roadblock to achieving what I feel are the solution we need to achieve. I have worked hard in every Committee and I have been vocal about items of importance in any Committee even if I was an ex-officio member. I will continue that work and hopefully we can see that we all have little gives and takes. For example, I am not a Vice Chair of any Committee and I accept that because being the Council Vice Chair is an honor. I will just accept what is before us and I will be voting that way, I would consider an amendment. I just want to see what the amendment looks like and let us vote up or down. Thank you, Councilmember-Elect Rapozo.

Councilmember-Elect Rapozo: I see your hand, Councilmember-Elect Yukimura. If you remember the last Organizational Meeting, I had made the suggestion that we do our Committees like almost everyone else does where you have your Committee of five (5) and that is it, and the Committee would vote up or down on matters, kind of like what the Legislature, Congress, Honolulu, and Maui does. It was very clear to me that the members at that time did not want to go down that road. They wanted the participation. They wanted the seven (7). I still feel that way. I still believe we should have a true Committee where the Committee is the deciding party. If you cannot get it passed the Committee, it does not get to the Council. I think that is how the legislative process should work, but rather than waste our time begging you folks to support that, I have accepted that from the last Organizational Meeting. It is better for the Councilmembers-Elect, that we have that ability to participate, but it is really like having a Council Meeting every week because it does not matter. Even if you get your three (3) votes to kill it or pass it, you have to do it again in a week. I really wanted to see this go to how a Committee should be run, and if you cannot get it passed the Committee, sorry. That is not up for discussion today. This is the proposal because again, I do not think the sentiment has changed. We have enough returning members that I do not think it has changed, so it is what it is. You are exactly right, anyone has the ability to lobby for their interest and I expect us, every one of us, to do that. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: Well then if it is not that important, then maybe someone else could step down from the Committee Chair.

Councilmember-Elect Rapozo: Well, I think...

Councilmember-Elect Yukimura: So, the fact is I am not even a voting member on the Committee that deals with housing and transportation. I am sorry, but it feels like a slap in the face after all the work that I have done in housing and transportation.

Councilmember-Elect Rapozo: Again...

Councilmember-Elect Yukimura: I think I have suggested some real compromises that could let everybody have something that they want, so I would like to have a recess so I can prepare an amendment and also those who want to check can check.

Councilmember-Elect Rapozo: Okay. We can continue discussion. The staff can prepare it. Did you get what her amendment was? Did you get it? Make sure it is right and then we can have the discussion. Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: I appreciate the discussion. To make it clear on where my position is, I will not be supporting any amendment unless the proposal is to go to exactly what she said. I truly believe that Committees should be Committees of five (5) and having ex-officios, in my opinion, is unnecessary, and does not help the process. As far as the current slate, I am a firm believer that if things do not work out, we always have the ability to reorganize. We can even remove you

as the Council Chair if things do not work out and that is just democracy. So that my position is clear before we go on a recess, that is where I stand.

Councilmember-Elect Rapozo: I sat in your office one day you were in session, Councilmember-Elect Kawakami, and I was having a cup of coffee with your staff and a resolution came through the fax machine, or E-mail, or whatever it was and one of the sitting Chairs was removed that moment. You are right. I do not believe this Council in its history, has ever reorganized mid-term. Correct me if I am wrong, Jade, as long as I have been here I cannot remember a time that this Council has ever reorganized. Honolulu does it. Everyone reorganizes. If they are not happy, boom, they go get votes. I think that is a byproduct of districting, by the way, but that is just for another day. It just creates that real serious division. Several months ago, probably three (3) or four (4) months ago, I was very close to introducing a resolution to reorganize because of what I had been hearing and I chose not to. I said, "Let us live out this term and hopefully things will get better" and I chose not to do it. You are right, Councilmember-Elect Kawakami, at any time. Trust me. It is just the make-up of the Councils in the last two (2) terms, maybe. It is different. Members are afraid to do what has never been done, so I am well-aware that my actions on any given day can be the cause of my removal. I am trying my best to do what is best for this body and this County. Not everyone is going to be happy and I can respect that, but that is why the Council Chair takes hits; that is why nobody wants to be the Council Chair because you take political hits, somebody has got to be willing to do that, and that is what I do. Anyone else?

Councilmember-Elect Yukimura: Can we have a recess, please?

Councilmember-Elect Rapozo: Well, if everyone is done. Did you get the amendment straight?

Councilmember-Elect Yukimura: I need some time before I can make it straight.

Councilmember-Elect Rapozo: Okay. How much time do you need, Councilmember-Elect Yukimura?

Councilmember-Elect Yukimura: Ten (10) minutes.

Councilmember-Elect Rapozo: Okay, ten (10) minute recess.

There being no objections, the meeting recessed at 10:04 a.m.

The meeting reconvened at 11:04 a.m., and proceeded as follows:

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I do not know if we have any formal motion for your proposal, or did we?

Councilmember-Elect Kagawa: Should I make one?

Councilmember-Elect Rapozo: Yes, you can make one.

Councilmember-Elect Kagawa moved to accept the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, which is attached hereto and incorporated herein as Attachment 1, seconded by Councilmember-Elect Kaneshiro.

Councilmember-Elect Yukimura moved to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 2, seconded by Councilmember-Elect Chock.

Councilmember-Elect Yukimura: Thank you.

Councilmember-Elect Rapozo: Go ahead, Councilmember-Elect Yukimura. I am assuming that assignment is right.

Councilmember-Elect Yukimura: Yes. I am proposing a new Transportation Committee and I would like to Chair that. So, there is a rearrangement of the membership because there is an extra Committee and I would be a voting member of the Committee that handles the Housing Agency and housing related issues.

Councilmember-Elect Rapozo: Is there any discussion? Well, let us hear the discussion and if there is support, I am not going to waste any more time. Councilmember-Elect Yukimura, I thought we were going to put Public Safety and Transportation together and you would be the Chair of that?

Councilmember-Elect Yukimura: That was the original thought, but my focus is housing and transportation.

Councilmember-Elect Rapozo: Okay. Is there any other discussion? I would have supported the Public Safety & Transportation Committee. You did talk about adding another Transportation Committee, which I do not have a problem with adding another Committee. I just do not know if there is enough work, but I am not going to stand in the way of that. Again, I do have a problem with the housing component. Community Assistance & Veterans Services, I noticed that Councilmember-Elect Brun is highlighted, is that an amendment?

Councilmember-Elect Yukimura: That is true, it is not an amendment.

Councilmember-Elect Rapozo: Okay, so that needs to be fixed. Now Councilmember-Elect Kawakami will Chair Economic Development & Intergovernmental Relations and Public Safety?

Councilmember-Elect Yukimura: Correct.

Councilmember-Elect Rapozo: I do not know. We can have the discussion. Councilmember-Elect Chock.

Councilmember-Elect Chock: I think it is a compromise. I will support this if Councilmember-Elect Brun is okay with it and Councilmember-Elect Kawakami will Chair the Public Safety Committee. I can support it. Thank you.

Councilmember-Elect Rapozo: Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: Like I said before and I spoke with Councilmember-Elect Yukimura, the only way I could see supporting this is if everybody that is being directly affected was okay with the respective movements.

Councilmember-Elect Rapozo: Okay. Again, I think the...well, we will go around the table. I am not going to try and influence anybody's vote. If everyone is okay with creating a new Committee, then that is fine. I would offer, if there was anyone else interested in public safety, I am sure Councilmember-Elect Kawakami is willing to take it, but I want to make sure that everybody has an opportunity if that position is going to open up. The other thing is, again in upholding my original position on the housing issue, I remain committed to my original setup of that Committee. If you folks are not going to support this, I would suggest you take it ad seriatim because I will not be supporting it as reflected right now. Councilmember-Elect Brun.

Councilmember-Elect Brun: Looking at this, like I told Councilmember-Elect Yukimura earlier, I will not be supporting it as two (2) different Committees. I think it should be Transportation with Public Safety, then also with the Committee Member in the Community Assistance & Veterans Services Committee. As-is right now, I will not be supporting this.

Councilmember-Elect Rapozo: Anyone else? Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: I do not know how it has worked before, but I thought it was pretty fair the way the Committees were broken out. Everybody had one (1) Committee to Chair and Vice Chair. I was also thinking the Public Safety Committee could have been Public Safety & Transportation, and then that would be the only change. I am not that comfortable with it now.

Councilmember-Elect Yukimura: Can I ask a question?

Councilmember-Elect Rapozo: Sure.

Councilmember-Elect Yukimura: If everybody is willing; the Chair, Vice Chair, and members, are willing to be a part of these two (2) separate Committees, what is the problem with having two (2) separate Committees?

Councilmember-Elect Rapozo: If you are asking me, like I said, I do not have a problem with those two (2), in fact, if we voted ad seriatim, I would support that. If the members, the ones that are impacted are okay with it, as Councilmember-Elect Kawakami said earlier, I do not have a problem. We can have as many Committees as everyone would like. It is really more work for our staff because they would have to put another staff member to staff that Committee separately, which I do not think is necessary, but if that is the compromise that you folks have worked out, I can support it. But again, I cannot support the Community Assistance & Veterans Services Committee changes as proposed by Councilmember-Elect Yukimura. I think the compromise would be moving Transportation, as it was, with Public Safety, which Councilmember-Elect Yukimura would still Chair. She would still Chair the Transportation Committee, and public safety is not that complicated. We do not have many issues that come through public safety.

Councilmember-Elect Yukimura: I think that there is a lot of responsibility...

Councilmember-Elect Rapozo: Public Safety and Transportation is very doable by a Committee, but again, I do not have an issue with that.

Councilmember-Elect Yukimura: Let us...

Councilmember-Elect Rapozo: Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: Well, I do not want to be a greedy pig as much as I would like to take on additional Chairmanships, I would not want to do it at the expense of other Councilmembers-Elect. I guess what I am hearing is that you are willing to make the move if you combine Public Safety with Transportation, and if that is the case, then so be it. That being said, those are my feelings.

Councilmember-Elect Rapozo: We will take the vote. Let us take the amendment with the first two (2) Committees, Public Safety Committee and Transportation Committee. If you agree, then the new Committee will be created. If you disagree, then it reverts back to the original proposal, which Public Safety and Transportation would fall under Community Assistance. If that happens, then someone would then need to entertain another amendment to put Transportation with Public Safety, that is fine. If this passes, then it will create this additional Committee. Let us start with that because you cannot pass one and not pass the other because then we would not have a Transportation Committee and you would have only approved the rearrangement of the members. So you have to be careful for what you ask for because if Transportation fails and Public Safety passes, then Councilmember-Elect Yukimura loses the Chairmanship of the Public Safety Committee. That is why it is critical, I would say we take the two (2) at once.

Councilmember-Elect Yukimura: They do go together.

Councilmember-Elect Rapozo: Yes. Okay. Staff, we will take the motion separately, and we will do a roll call on the amendments to the Public Safety Committee and the Transportation Committee.

The motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Yukimura, Rapozo	TOTAL – 3,
AGAINST AMENDMENT:	Brun, Kagawa, Kaneshiro, Kawakami	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: 3:4, motion fails.

Councilmember-Elect Rapozo: Okay. We are back to the third item, Community Assistance & Veterans Affairs. Again, the title and the Chair should not be highlighted. That is the same. The only amendment we are looking at is moving Councilmember-Elect Chock from a voting member to an ex-officio and Councilmember-Elect Yukimura from an ex-officio to a voting member. Is there any further discussion? Seeing none, roll call.

The motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 3 was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Kagawa, Kawakami, Yukimura	TOTAL – 4,
AGAINST AMENDMENT:	Brun, Kaneshiro, Rapozo	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes, 4:3.

Councilmember-Elect Rapozo: Okay. If we can prepare that. We are back to the main motion.

Councilmember-Elect Yukimura: Councilmember-Elect Rapozo, I have another amendment.

Councilmember-Elect Rapozo: Hang on.

Councilmember-Elect Kawakami: Did we just “screw you over”?

- Councilmember-Elect Kagawa: No, he voted "yes."
- Councilmember-Elect Kawakami: Oh, okay. I was just trying to figure out who we were screwing over.
- Councilmember-Elect Rapozo: We are not "screwing anyone over."
- Councilmember-Elect Kagawa: Can I clarify?
- Councilmember-Elect Rapozo: Yes.
- Councilmember-Elect Kawakami: Oh, I "screwed myself over."
- Councilmember-Elect Kagawa: I just want to clarify that...
- Councilmember-Elect Yukimura: Public Safety.
- Councilmember-Elect Kagawa: ...Councilmember-Elect Chock was the one that was affected.
- Councilmember-Elect Kawakami: Okay.
- Councilmember-Elect Kagawa: When he votes "yes." I am going to agree with Councilmember-Elect Chock and what he voted. Like I said earlier, you still participate. If it is a good proposal, you will get support because it is going to be good for the island. Thank you.
- Councilmember-Elect Yukimura: Councilmember-Elect Rapozo, I have another amendment too.
- Councilmember-Elect Rapozo: Go ahead.
- Councilmember-Elect Yukimura: I have it. We did create it. It is the one that had the Public Safety & Transportation Committee. We need to make copies.
- Councilmember-Elect Rapozo: What is the amendment?
- Councilmember-Elect Yukimura: It adds Transportation to the Public Safety Committee.
- Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, you were just voted to become a member on the Community Assistance & Veterans Services Committee, which includes housing and transportation.
- Councilmember-Elect Yukimura: I would like to be Chair of the Transportation Committee.
- Councilmember-Elect Rapozo: Okay. Well, we can take verbal motions. Let us do a verbal motion. I am not going to waste any more time printing

paper. I guess for me, Councilmember-Elect Yukimura, you convinced the Councilmembers-Elect that you wanted to participate as a voting member on issues dealing with housing and transportation and you got that. Now, you want to be the Chair of Transportation and that is fine, but I am just saying, let us move on already. We are going to...

Councilmember-Elect Yukimura: That is fine.

Councilmember-Elect Rapozo: Okay. Make your motion, and we do not need the paper because verbal motions are allowed.

Councilmember-Elect Yukimura moved to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 4.

Councilmember-Elect Rapozo: Can I get a second?

Councilmember-Elect Yukimura: This would put me as the Chair, Councilmember-Elect Chock as the Vice Chair, and Councilmember-Elect Brun as a member.

Councilmember-Elect Rapozo: You are going to kick Councilmember-Elect Brun off of the Vice Chair position?

Councilmember-Elect Yukimura: Yes. He was alright with that when I asked.

Councilmember-Elect Rapozo: Okay, that is fine.

Councilmember-Elect Brun: I am good with that, Councilmember-Elect Yukimura, if it makes you happy.

Councilmember Chock seconded the motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 4

Councilmember-Elect Yukimura: Thank you.

Councilmember-Elect Rapozo: Okay. Well, I am not going to support that. I think at this point, I came up with my proposal and again, these members will decide. I think Councilmember-Elect Yukimura is on the Housing & Transportation Committee, which is now under Community Assistance & Veterans Services Committee, and she is a voting member. My whole goal as part of this process is we set it up where certain people...now Councilmember-Elect Brun loses a Vice Chairmanship, and that is not fair to Councilmember-Elect Brun. Yes, he is a nice person. I will be a nice person, "if that makes you happy," but at the end of the day, Councilmember-Elect Brun does not have a Vice Chairmanship. During the

break, Councilmember-Elect Kawakami and I talked about how they do this in the Legislature, and part of it... Councilmember-Elect Yukimura and I are out. It is Councilmember-Elect Brun's first term. You put people in positions to help groom them for the future, teach them, and train them. Our job is not to say, "Do you know what? That is not important. My feelings are important and I am going to move forward. I want to be this way and I do not want him to be my Vice Chair," and that is not fair, simply not fair. I am not going to sit back and be nice about it because it is not fair. I appreciate Councilmember-Elect Brun's willingness to do it. The compromise was made with the last vote and I am going to support that. But moving forward, I would appreciate that at least some of the work that I have done and the rationale for putting him on the Public Safety Committee as the Vice Chair is because Councilmember-Elect Brun has a lot to offer in that Committee based on his life. There was a reason I wanted him on the Public Safety Committee.

Councilmember-Elect Yukimura: That is why I had him as Vice Chair.
Oh no, I did not.

Councilmember-Elect Rapozo: Of what, Councilmember-Elect Yukimura?

Councilmember-Elect Yukimura: Oh, I did not have it.

Councilmember-Elect Rapozo: You have effectively removed him from any Vice Chair positions.

Councilmember-Elect Yukimura: Councilmember-Elect Rapozo, you said if we get agreement of people, then that would be fine. If you are so insistent, then fine, put him back there. I got agreement. That is what I thought was needed, so what is the problem? He is still a member of the Committee.

Councilmember-Elect Rapozo: And you are still a member of the Housing and Transportation Committee.

Councilmember-Elect Yukimura: I know, but transportation has been my emphasis for so long.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, Public Safety has been mine.

Councilmember-Elect Yukimura: Since Housing was what you wanted me out of, I would like to at least Chair Transportation.

Councilmember-Elect Rapozo: You have to be satisfied at some point, Councilmember-Elect Yukimura and it is, "Okay, I got what I want now, and now I want more" at the expense of Councilmember-Elect Brun as a Vice Chair. This is Councilmember-Elect Brun...

Councilmember-Elect Yukimura: So Councilmember-Elect Rapozo...

Councilmember-Elect Rapozo: Hang on, let me finish. This is Councilmember-Elect Brun's first Organizational Meeting. He has no idea. He is learning this as we go, but you did not make any opportunity or attempt to give him back another Vice Chair position. No, it was just about you, Councilmember-Elect Yukimura, it was just about making sure you got what you wanted and with that, the motion on the floor. Roll call.

Councilmember-Elect Yukimura: I am sorry. I will move to amend.
Councilmember-Elect Rapozo: You did already. You made the motion
and Councilmember-Elect Kaneshiro...

Councilmember-Elect Yukimura: I am amending to put
Councilmember-Elect Brun as Vice Chair.

Councilmember-Elect Yukimura moved to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto, and incorporated herein as Attachment 5.

Councilmember-Elect Rapozo: We are taking the vote on the first one.

Councilmember-Elect Yukimura: If somebody seconds the motion, that has precedence. We are amending the amendment. I am not trying to be difficult. I am just trying to make things work.

Councilmember-Elect Rapozo: And so am I, we are going through the democratic process.

Councilmember-Elect Yukimura: So, I am willing to put
Councilmember-Elect Brun back as Vice Chair.

Councilmember-Elect Rapozo: Go ahead, Councilmember-Elect
Kaneshiro.

Councilmember-Elect Kaneshiro: I am now completely confused on what the amendment is because if we are going with the Transportation Committee, then that means I am off of two (2) Committees.

Councilmember-Elect Rapozo: We are not doing that. The
Transportation Committee is off. We do not have that amendment.

Councilmember-Elect Yukimura: No, you are still on the Committee. You are on the Public Safety & Transportation Committee, that is what we are amending right now.

Councilmember-Elect Rapozo: Hang on. We do not have a Public
Safety & Transportation Committee.

Councilmember-Elect Yukimura: That is the proposal.

Councilmember-Elect Rapozo: The only thing we did, was we moved Councilmember-Elect Chock and Councilmember-Elect Yukimura's positions in the Community Assistance & Veterans Service Committee. That is all we have. Right now, the proposal is to add Transportation to Public Safety and move Councilmember-Elect Brun from the Vice Chair position to a voting member because Councilmember-Elect Yukimura wants the Housing Committee, which is also Housing and Transportation right now, but she wants to Chair the Committee with Transportation. So, what I am saying is that takes Councilmember-Elect Brun out of the Vice Chairmanship of the Public Safety Committee, and that is the motion on the floor.

Councilmember-Elect Yukimura: I am willing to put him back.

Councilmember-Elect Rapozo: Hold on, Councilmember-Elect Yukimura, that is the motion on the floor. He said he was confused and I am clarifying it.

Councilmember-Elect Kaneshiro: Yes.

Councilmember-Elect Rapozo: That is the motion on the floor, and that is the motion we are going to vote on.

Councilmember-Elect Yukimura: I am moving to amend the motion and that is parliamentary procedure as long as there is a second.

Councilmember-Elect Rapozo: Go ahead, I will recognize that motion. Is there a second?

Councilmember-Elect Chock seconded the motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto, and incorporated herein as Attachment 5.

Councilmember-Elect Chock: Are we going back to the original?

Councilmember-Elect Rapozo: No, she...

Councilmember-Elect Chock: Not the original, but the one with Councilmember-Elect Brun as the Vice Chair?

Councilmember-Elect Yukimura: Yes.

Councilmember-Elect Kaneshiro: That was my confusion because moving Councilmember-Elect Chock to Vice Chair, I thought she was using the organization of the Transportation Committee...

Councilmember-Elect Yukimura: No.

Councilmember-Elect Kaneshiro: ...and putting Public Safety and Transportation together.

Councilmember-Elect Yukimura: No.

Councilmember-Elect Kaneshiro: That was my confusion, so now I understand.

Councilmember-Elect Chock: Yes, I can second that.

Councilmember-Elect Brun: Are we going with the Public Safety Committee with the members that you proposed, but adding Transportation to it?

Councilmember-Elect Yukimura: Correct.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Brun: Is that what we are voting on now?

Councilmember-Elect Rapozo: Yes. I am not going to support that because Councilmember-Elect Yukimura is a voting member of the Community Assistance & Veterans Services Committee right now, which includes Transportation. At some point, we all have to be satisfied. Councilmember-Elect Kaneshiro wants to be on the Planning Committee, and he cannot be on the Planning Committee, it is just the way it works. Right now, we are voting on an amendment, in fact, let us do this, Councilmember-Elect Yukimura, withdraw your motion to amend, you withdraw your second, you withdraw your motion to amend the original, and we will start all over.

Councilmember-Elect Brun: Yes.

Councilmember-Elect Rapozo: Because then we have to amend the amendment that amends the amendment that goes back. So, Councilmember-Elect Yukimura if you would be so kind as to withdraw your motion for the second amendment.

Councilmember-Elect Yukimura: And then?

Councilmember-Elect Rapozo: And then we will start all over and you can just add Transportation to the Public Safety Committee.

Councilmember-Elect Yukimura: I am agreeable to that.

Councilmember-Elect Rapozo: Okay, so withdraw your motion.

Councilmember-Elect Yukimura withdrew the motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto, and incorporated herein as Attachment 5. Councilmember-Elect Chock withdrew the second.

Councilmember-Elect Rapozo: Thank you.

Councilmember-Elect Yukimura withdrew the motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto, and incorporated herein as Attachment 4. Councilmember-Elect Chock withdrew the second.

Councilmember-Elect Rapozo: Okay. We are back to nothing.

Councilmember-Elect Yukimura: Okay.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, make your motion to amend.

Councilmember-Elect Yukimura moved to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto, and incorporated herein as Attachment 5, seconded by Councilmember-Elect Chock.

Councilmember-Elect Rapozo: Okay. We have had the discussion. Right now, all we are doing is changing the title of the Public Safety Committee. We are taking Transportation out of the Community Assistance & Veterans Services Committee, and we are putting it up with the Public Safety Committee. Again, I believe this is unnecessary, but we will take a roll call vote.

The motion to amend the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as circulated, which is attached hereto and incorporated herein as Attachment 5 was then put, and carried by the following vote:

FOR AMENDMENT:	Brun, Chock, Kagawa, Yukimura	TOTAL – 4,
AGAINST AMENDMENT:	Kaneshiro, Kawakami, Rapozo	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes, 4:3.

Councilmember-Elect Rapozo: Okay. We are back to the main motion. This is going to be brutal, but staff, can you read off the Committees as we have amended...oh, put it on the overhead. I did not realize it was up there. This is it, so if anybody has a problem now, voice your concern because we are going to vote on this. Okay. Is there any further discussion? Roll call.

The motion to accept the standing Committees of the Council, the Committee Chairs, the Committee Vice Chairs, and the Committee Members for the 2016-2018 Council term, as amended, which is attached hereto and incorporated herein as Attachment 6, was then put and carried by the following vote:

FOR MOTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Councilmember-Elect Rapozo: Okay. Moving onto the Rules.

- Discussion of the Rules of the Council of the County of Kaua'i for the Organization of Committees and the Transaction of Business.

Councilmember-Elect Rapozo: Do we have the Rules as it currently stands?

Councilmember-Elect Kawakami: We should have cut deals so that we would be guaranteed the 7:0 vote on Inauguration day.

Councilmember-Elect Rapozo: Yes. I am hoping that we all can go there and be united.

Councilmember-Elect Chock: It is *pau* already, right?

Councilmember-Elect Rapozo: No, at Inauguration anybody can change it, but like I said early on, I hope that we can all move forward and be united at Inauguration and not do what we did last year. That was kind of embarrassing, but it is everybody's prerogative to do what they want to do.

Ms. Fountain-Tanigawa: These are the Rules, but we have to change it because the Committees have changed.

Councilmember-Elect Rapozo: Yes. I am talking more about the Rules of the Council. I am just going to come out and say that I am not proposing any changes. I know that it is a very controversial issue and a very controversial item. Because I chose to enforce the rules regarding time limits, and that caused heartache

for some, but at the end of the day, I think it made for a much more efficient Council and I think that we accomplished what we were supposed to do, and I hope that will not change. I think the light bar is a good thing. I think the time limits are sufficient. I think the time that we have to provide our input is sufficient. Let us start with that because that is one of the contentious issues, and then we will go on to the questions part. Councilmember-Elect Kagawa.

Councilmember-Elect Kagawa: I concur with you. I think I like the practice of keeping it the way it is and let us see if this Council can continue to, especially when you talk about having members of the public that show up on one (1) issue. I am not talking about the regulars, but sometimes there is an important issue and then there are members of the community that have to leave due to children, appointments, or whatever. I think this Council has been sensitive to those needs and we will take those items first on the agenda. I think that we are all in agreement that for those members that are not the regular attendees, we have been more than accommodating. I think we are a small island, we know the importance of people having faith in government and having it work. I think for us, having the leeway of doing that, taking care of those needs, and still have the public have the opportunity to come and leave early, works well. I think having that designated time prior to the meeting under Council Chair Furfaro's time, sometimes encouraged the regulars that come all of the time to take advantage of that. We certainly hear enough from those people. While it seems to take care of a problem, I see it as creating more problems sometimes. Thank you.

Councilmember-Elect Rapozo:

Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: I think you have done a good job in the last two (2) years of using your discretion. It is not easy being Council Chair. I do not envy anybody in the Chair's position. The meetings worked well. I think the gray line under discretion is difficult because it can be a slippery slope, but I think you have done a good job as the Council Chair. As being Council Chair again this year, I will leave it up to you to do what you are comfortable with. I think you ran the meetings very well, so I am comfortable with leaving the rules as-is.

Councilmember-Elect Rapozo: Thank you. The thing we have to remember, and this is not a reality television show. This is a place where County business is discussed, deliberated, and vote on. You do not see what goes on here anywhere else whether it is the Legislature or other Councils. We are obligated to take testimony. We are obligated to move issues on the table, deliberate, and vote. We are not here to create this entertainment hour for the public, and that is what it has become. People have told me on the street, "Man, we cannot wait to get to watch your folks show." This is not a show. This is a place where we do business and over the years, it has become a reality show and it is because of many variables. We have to bring this order and decorum back, and the way to you do that is with rules, following the rules, and enforcing the rules. We take public testimony, we have never turned anybody away. Everyone that has come up here and said, "Oh, I have to take my dog to the vet because my dog is sick," we give them the opportunity to speak before. We have done it all. We have not turned anybody away. Even Glenn Mickens, who says, "Can you move an item to the beginning because the Dodgers play today?"

We have accommodated that. It is just unfortunate that it has become what is has become, and I tried my best to try to bring everyone in to make sure we would come back to the true function of the County Council, which is to take testimony, deliberate, and vote. I am hoping we can. I am still not satisfied with it. I think it is a lot better, but I think we still have a long way to go and I think the rules are a very important component of that. Try and go to the Legislature or Congress and act silly. It does not happen, and I am hoping that once the rules are passed, that we agree and understand that those other rules. Whether I agree or disagree, those are the rules, and not take the opportunity on the floor on camera to voice your dissatisfaction with the rule. That happens today. That happens now. When the rules pass, those are unfortunately the rules that we have to play by and I am hoping that in the next term, we can remember that. A lot of the controversy in the Council in the current term was not the substance, it was the rule. The problem or issues were not the discussion or the item on the agenda. It was the rule, and that it was a stupid rule, a rule that made no sense, but it was a rule, that was the rule. Share your concerns today, we will take a vote on the rules, and we are moving on. I would ask that everybody accept the rules that have been passed. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: The rules that are being proposed were not attached to the agenda.

Councilmember-Elect Rapozo: Because we are not amending rules, we are creating rules.

Councilmember-Elect Yukimura: Well if we are, then, I need some time to prepare some proposed amendments.

Councilmember-Elect Rapozo: How about we do this, Councilmember-Elect Yukimura? Without having to post an amendment, share your idea and get the consensus.

Councilmember-Elect Yukimura: I can do that.

Councilmember-Elect Rapozo: Because if there is no support, then there is no sense going through the motions and putting stuff through that hassle. Just put it out, discuss your concerns, and we will vote.

Councilmember-Elect Yukimura: As we saw, when it is not in writing, it sometimes gets confusing because people cannot see what is actually being proposed, but I will try. I think the section that governs the rules that we operated on in the past term is very good. Section 2 says, "In interpreting the rules, the intent of the Council shall be deemed to have been to: (a) carry out the majority view of the Council, yet provide the minority fair opportunity to express its view, and (b) provide a written guide for an efficient and defined parliamentary procedure for Council deliberations so that its actions may be based on an informed and reasoned discussion of issues." That is on page 1 of the draft that has been pointed out. If that is what we are following, then I would like to put in writing the unwritten rule that people will be allowed to speak at the beginning of the agenda on any item that is on the agenda.

Councilmember-Elect Rapozo: Okay, let us start with that one.
Councilmember-Elect Kagawa. I am just going to go right around the table.

Councilmember-Elect Kagawa: Thank you, Councilmember-Elect Rapozo. I think fairness is both for Councilmembers and the public. We are members of the public. We are average. All of us are regular lay people that are fortunate to get enough votes to sit here on the Council. We do not have the opportunity to speak on any item on the agenda prior to the meeting. We have an opportunity to speak on every item posted on the agenda as they are read, as they are Sunshined, and the public has that same right. The only difference is the public has one (1) additional minute more than us if they elect to speak twice on the issue. I think this Council goes beyond fair, gives more fairness to the general public in having an additional minute to speak. I think we have done a great job here. I think a lot of people watch the reality show or whatever you want to call it, but it is a testament that people are interested in government, they are interested in the decisions we make, and right now I think they are fortunate that they do have more time than us to speak on an issue. Thank you, Councilmember-Elect Rapozo.

Councilmember-Elect Rapozo: Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: Again, I hold firm on what I said before. I am fine with the rules, you have used your discretion as far as people being able to speak at the beginning of the meeting if they cannot stay for the meeting. Public testimony is not the only way people can testify. People can call and E-mail us. I am fine with the rules as-is.

Councilmember-Elect Rapozo: Councilmember-Elect Chock.

(Councilmember-Elect Kagawa was noted as not present.)

Councilmember-Elect Chock: Regarding to this rule, I am actually okay with the way it is being run now. I understand what Councilmember-Elect Yukimura is talking about with wanting to solidify the ability to give that leeway, but I think the discretion of the Council Chair has worked well for us in this process. I had a chance to see how it was run previously. I think people really took advantage of that. As long as we can hold true to being able and willing to ensure that people who are coming to the table and needing to be considered because of what their time constraints are, and I think we can all agree to that, then I am fine with the current process we have.

Councilmember-Elect Rapozo: I do not anticipate any changes. The public comes up, they may explain to one of you that this happen, I will not say often, but it does happen. People come up and say, "Hey, Councilmember-Elect Kaneshiro, do you know what? I want to testify on this matter, but I have to leave." Councilmember-Elect Kaneshiro or Councilmember-Elect Yukimura will say, "Councilmember-Elect Rapozo, so and so wants to testify, but they cannot stay," fine, we will take them up front. That is not a problem. The problem lies when you put eighteen (18) minutes aside and then you have more than eighteen (18) minutes of people wanting to testify, how do you cut off somebody and let the rest testify? Then,

it is the Council Chair's discretion, so we give the public more time. Then all of a sudden, you have a bunch of people coming here. It is subject to high abuse and we have seen that in the past.

(Councilmember-Elect Kagawa was noted as present.)

Councilmember-Elect Rapozo: I have seen it and it is just not fair. This way, if someone needs to come and they need to leave, we accommodate them. We have moved agenda items from the bottom of the agenda up front so that we can allow everyone to testify. The system works, it works a lot better than it used to, and we get our work done. Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: Are we just talking about that specific rule?

Councilmember-Elect Rapozo: Right.

Councilmember-Elect Kawakami: Not the rules in general?

Councilmember-Elect Rapozo: No. Right now, it is just the eighteen (18) minute...

Councilmember-Elect Yukimura: No. I am not proposing eighteen (18) minutes.

Councilmember-Elect Rapozo: I thought you were proposing the...

Councilmember-Elect Yukimura: I am proposing that we put in writing what you say, "At the discretion of the Council Chair, the person shall be able to testify early." That is all I am saying because I want to put in writing what the rule is. Right now, nobody knows what the rule is.

Councilmember-Elect Rapozo: There is no rule.

Councilmember-Elect Yukimura: Yes. You said there is a process, and I just want to put in writing what that process is. It is very important to put things in a written guide so anybody reading this will know what the rules are.

Councilmember-Elect Rapozo: Okay, I got it.

Councilmember-Elect Yukimura: If there is a point of order, you can cite the rule that you are trying to have enforced. All I am saying because I heard all of the objections to the limitations to three (3) minutes, or eighteen (18) minutes, or six (6) people, let us just put in writing that if people want to speak on an issue that is on the agenda at the beginning because of whatever time constraints they have, they can do that with the six (6) minute rule, the regular rule that governs all testimony. Three (3) minutes, three (3) minutes.

Councilmember-Elect Rapozo: That is already in the rules. The Council Chair has the discretion...

Councilmember-Elect Yukimura: No, but it does not say that at the beginning of the agenda you can do that.

Councilmember-Elect Rapozo: Anyway, I understand.
Councilmember-Elect Kawakami, do you have anything else?

Councilmember-Elect Kawakami: No.

Councilmember-Elect Rapozo: Councilmember-Elect Brun, did you have anything on that? I know you folks have not been part of the eighteen (18) minutes rule speaking before. Whether it is eighteen (18) minutes or what, I think putting it in writing is creating the rule and that should be up to the discretion of the Council Chair. That is how it should be and that is how it is. Councilmember-Elect Brun.

Councilmember-Elect Brun: I will support what is on there now. Two (2) or three (3) years ago we all saw it, it was a circus. It was the same people abusing the eighteen (18) minutes at the beginning and abusing their time. I never heard a single complaint of someone coming here and asking to speak early because they had to leave and you did not give them the opportunity to speak. I heard that before, with the previous Council, but with the last Council, I never heard any complaints about that. I think it was run greatly and you gave everybody an opportunity.

Councilmember-Elect Rapozo: Okay.

Councilmember-Elect Yukimura: What is the abuse? I do not understand how it was abused.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura...

Councilmember-Elect Yukimura: Can somebody explain it to me?

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, when will you be able to sit back and listen to each member's position and accept it?

Councilmember-Elect Yukimura: I am just asking for...

Councilmember-Elect Rapozo: Why do we have to be cross-examined every time we have a position against yours?

Councilmember-Elect Yukimura: And why can somebody not just answer a legitimate question? What was the abuse? Can somebody explain it to me?

Councilmember-Elect Rapozo: Thank you, Councilmember-Elect Chock.

Councilmember-Elect Chock: Okay. They are regulars who come here. We know they know there is eighteen (18) minutes, so they pick whatever they want to talk about and fill up the time.

Councilmember-Elect Yukimura: But they cannot speak...
Councilmember-Elect Rapozo: Again...

Councilmember-Elect Yukimura: ...on the subject again.

Councilmember-Elect Rapozo: You asked him a question and he answered.

Councilmember-Elect Chock: I know, but...

Councilmember-Elect Rapozo: Because it is different, you are going to argue. I do not want that. He answered the question and let us move on.

Councilmember-Elect Yukimura: Wait. But there is no eighteen (18) minutes.

Councilmember-Elect Chock: I understand that, that was my (inaudible).

Councilmember-Elect Yukimura: So there is no abuse. I am really wanting to know what the abuse is. If Mr. Mickens, who is a regular, comes and speaks at the beginning, he cannot speak again on the agenda item later. So there is no additional time. You either speak before or you speak on the agenda item. I just really do not understand what the abuse is and I think I am entitled to ask somebody to clarify that.

Councilmember-Elect Rapozo: Okay, let me ask a question. Councilmember-Elect Yukimura, what part of what we have had happening in the last two (2) years have created a problem? Give me an example...

Councilmember-Elect Yukimura: All I want to do is to put it in writing.

Councilmember-Elect Rapozo: No, give me an example of why that is required.

Councilmember-Elect Yukimura: Because people who are not familiar with the process do not know that they can speak. If they read the rules, they can. They will know that they are able to speak.

Councilmember-Elect Rapozo: Councilmember-Elect Kagawa.

Councilmember-Elect Kagawa: I know what Councilmember-Elect Yukimura is trying to say, that in order for clarity, she wants to have it in writing. But to change the rules and do that action, you are basically saying that you are

trying to fix a problem. If a car is not broken, you do not fix it, right? I think that is kind of what Councilmember-Elect Brun said. We have not heard any complaints from people saying, "Wow, this Council is really unfair with these rules. They do not allow us to speak early, so we cannot come, and we need it to be written." I have not heard any of that and I heard many people who are not supportive of myself and yourself, Councilmember-Elect Rapozo, that complain about a lot of things. But I have not heard a complaint that we are not accommodating to the general public. I think let us try to work on the problems out there, but this is not a problem because I have never heard this being a problem, so why are we trying to fix something when it is not broken? That is my only issue with actually supporting Councilmember-Elect Yukimura's proposal.

Councilmember-Elect Rapozo: Okay. Go ahead, Councilmember-Elect Yukimura. We are going to vote because we are not going to be debating it.

Councilmember-Elect Yukimura: I am not suggesting that there is a problem. I am just suggesting that especially if it is a good process, we should be able to put it in writing as part of our rules. That is all I am saying.

Councilmember-Elect Rapozo: Okay. Is there any other discussion? The question right now is if anyone wants to entertain that amendment. You know what she said, that we are going to put it in writing. If it is not broken, do not fix it is what I am trying to say. Why would we go and do anything that would change a process that...

Councilmember-Elect Yukimura: It does not change it.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, let me finish. I am getting irritated already. I do not want to get irritated. Anyway, that is what is on the floor. Do you want to add that in writing? Councilmember-Elect Chock.

Councilmember-Elect Chock: I am okay with the way it is run right now.

Councilmember-Elect Rapozo: Okay.

Councilmember-Elect Chock: I do not mind it being in writing if it gives more clarity for us in the future.

Councilmember-Elect Rapozo: It does not give more clarity. What it does, is it allows people to come and abuse it. Right now, we are only entertaining the people that really need to do it, and they know. Who reads the rules? How many of the public reads these rules? I do not understand why this is such a hot button. This is real simple. Again, this is not a reality show or a game show. We want to accept public testimony and we want to do it in an efficient, effective way. We all know it is the Council Chair's discretion. It is the Council Chair's discretion and that is in the rules that exist, not specifically, but it is what it is. I do not want to put the staff through a hassle of putting an amendment, that is why I am doing this. If it is

not going to get the support, then we are moving on. I think everybody knows how they feel. Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: I am not in support of it. You are the Council Chair. If there is a future Council Chair that wants it in for clarification, fine, but the last two (2) years have gone without any problems. I have not heard any testimony from people complaining about the rules. If people came in and said, "I have to leave, but want to testify," we have told you, and you have accommodated them. I have seen us accommodate a lot of people and they did not follow through. I have seen us accommodate someone that said that they had to leave, they talked, and then they stayed here. I have seen us accommodate agenda items where, "Oh, we want it here because people cannot come." We move the agenda item and nobody comes and testifies. It is all in your discretion. You are the Council Chair and you are saying that you do not need it. You walk that gray line and it is a difficult line. I appreciate how you have run the meetings and I am going to agree with you.

Councilmember-Elect Rapozo: I will say for the people that are here, that are new. I have had a lot of requests from every single Councilmember, maybe not Councilmember-Elect Kaneshiro and I am not sure about Councilmember-Elect Chock, but I know from Councilmember-Elect Yukimura, Councilmember Hooser, Councilmember-Elect Kagawa, and Councilmember Kualii that, "Hey, I have people coming in at 1:30 p.m. Can we move the item to a time specific?" We moved it, and no one showed up, like you just said. Trust me. If there is a situation where I said, "No," tell me. I challenge anybody to tell me when I said no. I am trying to be fair and equitable, not just to Councilmembers, but to the public. If you have somebody that is sitting here and they are going to sit here all afternoon, but you are going to allow someone else to come in, drop the bomb, and leave? Everybody should be on the same page, and unless there is a situation where there are emergencies or whatever that they cannot, they have to go, then you make the adjustment, but otherwise, sorry people. You folks should all follow the same rule. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I am not proposing this as any reflection on your Chairmanship. I am just trying to memorialize it in writing, what the process is and that is the importance of rules, just putting it in writing, what the process is. Again, if there is any problem, then one gets to point to the rule that is either being followed or not being followed.

Councilmember-Elect Rapozo: My only suggestion is when there is a problem with a rule, then we bring it up. Councilmember-Elect Brun. I am going to take the vote. We are done with the discussion.

Councilmember-Elect Brun: No, I do not think we should put that in. Looking at this, we are going to have to change a lot more rules if we are going to add that one in.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Brun: Because there is a lot more in here.

Councilmember-Elect Rapozo: Okay, moving on. What is the next concern? Let us just with the three (3) minute, three (3) minute public testimony. Does anyone have a problem with the three (3) minute, three (3) minute? From the State Legislature.

Councilmember-Elect Kawakami: The three (3) minutes and then you come back for another three (3) minutes?

Councilmember-Elect Rapozo: Right.

Councilmember-Elect Kawakami: I just ask that you be allowed the discretion if there is a small crowd, that you be able to just waive off on that rule if you need to just to give the person continuity on their testimony.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Kawakami: So if there is only two (2) people, that you would have the discretion to just say, "Do you know what? Continue on," instead of disrupting them. That is the only thing I ask, that nothing be so concrete that you cannot waive off on the rule when need-be.

Councilmember-Elect Rapozo: Okay.

Councilmember-Elect Kawakami: Or any rules at times.

Councilmember-Elect Rapozo: And that is actually in there right now. I tend to be stricter on that rule, but remember, the Council Rules is for every Committee Chair. In your Committee, and I have seen this, I have seen where Committee Chairs have allowed people to continue with their testimony. That is a great suggestion and one that maybe I have to be reminded. Again, the rules impact the Committee Chairs, not me. In a Committee Meeting, I sit back. I have not interfered with any Committee Chair. Anyone, please tell me if I have. Sometimes it is so far off course and I sit right here and do not say a thing. As a Committee Chair, Councilmember-Elect Kawakami, if you want to run your Committee Meeting and give them all six (6) minutes upfront, then you have that prerogative, and everyone has that prerogative. Councilmember-Elect Chock.

Councilmember-Elect Chock: I just want to confirm that the discretion already exists in the rules.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Chock: Okay, because I know we had some testimony making that request and then added verbiage to it, so as long as that can be done.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Chock: I think if we have two (2) or three (3) people and it is no use interrupting them. Just have them go through it.

Councilmember-Elect Rapozo: The other thing that we really have to do is, staff is going to have to be really on this, when people come in, they need to sign up because what happens is we have three (3) registered speakers, right? So now we have three (3) registered speakers, so we are going to give them six (6) minutes, six (6) minutes, and six (6) minutes. Then all of a sudden you have these people that, "Oh, now I want to talk." We have to be cognizant of that and staff, somebody has to be up there. I understand we have a little sign on the table, but somebody is going to have to let these people know that, "Hey, are you interested in speaking?"

(Councilmember-Elect Kawakami was noted as not present.)

Councilmember-Elect Rapozo: Even if you are questioning it, sign up anyway, and then you can always waive off your opportunity, but we have to be better at that just so that we have a better idea of who is here to testify and who is not, especially the regulars, they will come in and will not sign up. They just assume that they have a place on this Council and they know that when everybody is *pau*, they are going to raise their hand. We cannot stop them. Even if they do not sign up, they still have to be allowed, but just to make it easier.

Councilmember-Elect Chock: A lot of the concerns that are coming up are really on that one, at the discretion of the Chair and having that flexibility, which I think is a good way to approach it. As long as at Inauguration we can let the public know that there is some flexibility and we understand that there are some concerns about it. The only other one is asking the testifier to clarify testimony and asking if they have options or an additional way to look at what would be appealing to them. I think that gives us some indication that we are meeting people on. We are trying to problem solve and get to a middle ground. I know part of what was discussed in terms of the conflict was we cannot ask them any questions, but what I heard recently was, no we can ask questions that are of a clarifying nature. If that is the direction that we are going, that is where I want to go. I want this to not be an overpowering situation for the testifiers, not putting them down in anyway, but trying to get a sense of what opportunities we could have in problem solving.

Councilmember-Elect Rapozo: One of the reasons I did not bring the cameras today was because I wanted to have this discussion and not have a reality show. As far as the three (3) minutes and the three (3) minutes, the second three (3) minutes is at the discretion of the Chair. If you have a lot of people, the agenda is backed up, you want to move along, then you do not have to give them the second three (3) minutes, and we never did that. Everybody got the second three (3) minutes. As far as the questions, we all are aware. We are all adults. We are all aware of why that rule became a rule, because Councilmembers abused it. They cross-examined people up here, they badgered people up here, and that came from written/E-mailed testimony to us. We tried. If we can self-police, it kills me that I cannot ask a question. It kills me. Sometimes I want to ask a question. Somebody like Mr. Deal comes up, he is an expert in his field, he comes up and testifies, what a wonderful source of information, but we cannot have that if Councilmembers are

going to abuse that and start making people feel bad up there. How do we get around that without the rule? I think that is the challenge, we all know, it is no secret. Councilmember-Elect Yukimura does that and she is going to say that she does not, but the reality is she did and maybe without her knowing consciously, but that is what happens. Even though we tried, even though we said, "Keep it to a question, keep it to a question," it went into this—you saw some of it today where you cannot accept the opinions of other people. Councilmember-Elect Yukimura, I am sorry if it is painful to hear this, but this is where we have to do it. That is why there is no camera, because when someone from the general public takes the time out of their day and comes up to voice their opinion, it is not for us to tell them that their opinion is wrong. It is not for us to say, "So, are you saying that blah, blah, blah?" No, that is not what I am saying. If we can self-police, I have no problem, but we cannot. I will be honest with you folks, it is always me that has to be one that stops Councilmember-Elect Yukimura. I have stopped Councilmember-Elect Kagawa and I have always said, "Hey, if everybody can tolerate this, fine," but I get the sense that nobody wants to be the "bad guy" and it ends up being me. That is why we need the rule. That is why we need the rule, because we cannot self-police, and everybody is frustrated. I hear it from the public and even from Councilmembers, "Damn." That is why we have the point of order. We talked about this at the last Organizational Meeting. We have to have the point of order and say, "Hey, point of order, I believe..." and we have to be able to be adult enough, disciplined enough, and professional enough to accept that point and move on and not argue and try to say, "No, you are wrong. I am right." No, that is why we have the rules. Until we can self-police, Councilmember-Elect Chock. Councilmember-Elect Chock had a concern about the questions, I told him, "This is what I want to see, if you have a question, just say, 'Council Chair, can I ask that person a question?'" Yes, but then consciously his brain is telling him, "I am asking a question." I am not going to extend debate and I am not going to give the testifier more opportunity or more time and anybody else because that is what the rules says today. My question is not going to be an argument with the person. No. We had that today. I get really pissed off because all of the media and all of the stories said, "Today, we do not have an opportunity to ask." Yes, you do. You have an opportunity to ask clarifying questions. You could restate or rephrase, that was always in the rule, but of course the damn newspaper did not print that. They said, "Councilmember-Elect Rapozo says, 'No, no no.'" The reality is everybody had the opportunity. It was used quite often and that was the rule. I do not see a problem with that. If you want to ask a question, ask a question, but as long as we are mature enough to keep it to the question and not into an argument with somebody who is testifying. Now, when the Administration is here and you are into this debate, that is fine. You give them all you got because that is their job, but when a public member comes up here and says, "I disagree. I think that whatever the issue is," it is not for us to say, "No. You do not understand. You do not know what I know, so you are wrong and I am right." That is not what we are here for. We are here to collect their opinion and granted most of the time we have much more information on the subject matter than the general public. That is what we do, but our job is not to make them feel like their opinion is wrong. Councilmember-Elect Yukimura, I am telling you that is what happens and whether you want to believe it or not, that is what happens. That is the E-mails that we received. I know we got two (2) E-mails from your constituents themselves, Councilmember-Elect Yukimura, and you got those E-mails.

I cannot tolerate that anymore. That is what triggered the rule change. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: There are times when I may go overboard, I admit that. I think it is appropriate for the Council Chair to pull me in, and I have seen Councilmember-Elect Chock do that and yourself do it, but there are also times where others have done the same thing I am being accused of doing and nothing has happened. There are also times where there were leading questions by the Council Chair and I will dig up the minutes to show that. Also, when I was asking about the abuse, that was a perfectly legitimate question to ask for clarification. Councilmember-Elect Rapozo, you took it as I am not accepting a position. That was not true at all. I wanted to understand what people were seeing. So that kind of restriction on real questions, and I have been told, "That does not restate that question. That is not asking for a repeat." It is so crazy to say, "You have to repeat this or reread my notes about what they said." It is useless. So actually to be able to ask clarifying question like, "When did that happen?" I remember once regarding the Kaua'i Humane Society, there was a horrible incident and when I asked when that happened, that was like twenty (20) years ago or "Is it on agricultural land or is it on residential land?"

(Councilmember-Elect Kawakami was noted as present.)

Councilmember-Elect Yukimura: Things like that helps us understand the nature of the problem, and those need to be allowed. So our rules needs to say what we mean and we do not mean rephrase or restate. We mean ask clarifying questions. Clarifying has to be evaluated objectively. Just because the Council Chair does not agree with the questioner's position, then you call it that it is not a clarifying question like please explain the abuse. I think our rules need to say what we mean, and I think we need to say that we allow clarifying questions. If they are not clarifying questions, if they are just rhetorical questions or whatever, then it is the Council Chair's responsibility to pull somebody in on that, but if it is not done properly, the Council Chair has to expect some response back. If we want, we can say that those people who come and testify who do not want to be asked questions, they can say so upfront and we will respect that.

Councilmember-Elect Rapozo:

Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: I have some input. I agree that thorough discussion is very important to our decision-making process. If we are going to go down this route, I would like to see somewhat how we handle it at the State level, which is we allow everybody to testify upfront with no questions and then at the very end of the last testifier, we open it up for questions. In all honesty, if there is an issue that is important for a member of the public to show up to, they should be willing to be able to have some questions asked because if we do not, it is a double-edged sword. We are giving these people a platform to come up and say anything that they want knowing that they will get away with it without any kind of validity or questioning. If we are going to go that route, I just ask that we create the protocol where we allow everybody to testify first so that one (1) person does not come

and testify and gets questioned for fifteen (15) minutes while everybody waits for the same item.

Councilmember-Elect Rapozo: I think the other thing too, Councilmember-Elect Kawakami, and again, unless you go back and watch, what happens is the question becomes discussion. Blah, blah, blah, do you agree with that? That is the problem. When I stop or try to stop, and it is not just me, I have seen other Councilmembers try to stop certain Councilmembers, and then it becomes an argument. I think people have to understand whether you like me or you do not like me, whether you agree with me or you do not agree with me, and take me out of this formula as the Council Chair, the Council Chair's discretion is the Council Chair's discretion. Now if you disagree, there is a process. You appeal the ruling of the Council Chair in a professional way. You do not say, "That rule is stupid. That is a dumb rule. I have something important to say." No. You appeal the ruling of the Council Chair in a professional way, you take the vote, and then you move on. That is how it is supposed to be done and it is not done that way, Councilmember-Elect Kawakami. It is not done like the Legislature and that is why I am trying to bring it back.

Councilmember-Elect Kawakami: And I agree. I think the purpose of testimony is for the Council to gather information. If it is going to be used to sort of manipulate testifiers into agreeing with your position, then I would be in disagreement with that also. I understand your point.

Councilmember-Elect Rapozo: Councilmember-Elect Brum.

Councilmember-Elect Brum: As far as the questions, I could support questions, but we have seen it to the point where like you said, it is convincing the testifier that my way is the right way. I think if we can stay away from that, we should be okay because you can ask good questions, but limit it to questions, not a whole discussion about why this is white and this is not, and we go down that whole road. I think if we can just go over the questions, get the answers, and look at what we want then we can do that because we have seen when Councilmembers bring their...they have six (6) minutes, the public has six (6) minutes to speak, Councilmembers bring them up and get into a whole discussion for half an hour. So they just picked up another half an hour where everybody else only had six (6) minutes because that person was driving their agenda, that Councilmember's agenda, so they were working together to get more information out. I think if we can keep them to just questions and not badgering people up there, I would support it.

Councilmember-Elect Rapozo: Councilmember-Elect Chock.

Councilmember-Elect Chock: I am interested in the State's way to do it because I think that is an added benefit if people are coming up and we know that they do not want to be questioned. I just want clarification. Is it after all the testimony is done then members have a...

Councilmember-Elect Kawakami: Yes.

Councilmember-Elect Chock: If they have a question for that person, then they recall that person back to the front, is that how it works?

Councilmember-Elect Kawakami: Yes, and people that do not want to be subjected to questions can leave.

Councilmember-Elect Chock: Right.

Councilmember-Elect Kawakami: And that is their way out, but we do it because one, we have deadlines because we only have a certain amount of time for the Committee Rooms before we head down to testimony. More importantly, we do it to be fair to all testifiers that took the come out of their way and give us information.

(Councilmember-Elect Brun was noted as not present.)

Councilmember-Elect Kawakami: We have seen it become very unfair for certain individuals when they just get tied up in the past.

Councilmember-Elect Chock: It sounds like there is enough interest for the questions to be there...

Councilmember-Elect Rapozo: I am going to excuse myself for a minute, so now is the opportunity for shred me while I am gone.

Councilmember-Elect Rapozo, the presiding officer, relinquished Chairmanship to Councilmember-Elect Kagawa.

(Councilmember-Elect Rapozo was noted as not present.)

Councilmember-Elect Chock: Oh, good. Finally.

Councilmember-Elect Yukimura: Why do we not just take a break early so that everybody can use the bathroom?

Councilmember-Elect Chock: I feel like, and I hate to do this, but Councilmember-Elect Yukimura, you have been the center of it in terms of how the questions happen and I think that everyone else around the table me included, want to ask those questions and I will, based on what my discussion was with Councilmember-Elect Rapozo, but I think everyone to some degree, has done it, but we have to make a stronger commitment to self-police, how we do this because I think it hurts the public and it hurts us in our decision-making process if we cannot do that.

Councilmember-Elect Yukimura: I agree.

Councilmember-Elect Kagawa: Go ahead.

Councilmember-Elect Yukimura: I agree and I think I always ask for feedback. After every meeting, I am reflecting on how the meeting went and how I have asked questions or how I have behaved.

Councilmember-Elect Chock: Absolutely, I think you do, and I appreciate that. You ask me for feedback. I think what happens is in the moment, we need to be able to have some indication to you that it is happening right now and you need to please catch it because we are going down this slippery slope.

(Councilmember-Elect Brun was noted as present.)

Councilmember-Elect Chock: I just wish that there was a way to do that.

Councilmember-Elect Yukimura: And you have done that as Committee Chair.

Councilmember-Elect Kagawa: Councilmember-Elect Kaneshiro.

Councilmember-Elect Kaneshiro: But I have also seen us try to reel it in and then it ends up a huge fight. It takes away from the testifier sitting there while we are fighting in this thing. I do not know. It is kind of embarrassing when we are fighting on the rules and you have a testifier here who may have come here for the first time, and he is sitting there, and we are fighting over whether we can ask them a question or not. That would make me feel so uncomfortable if it was my first time testifying and I asked a question, maybe the Council Chair tried to reel me back in, and then the Council ends up of fighting on rules, having to vote, and point of order. Again, we leave it to the discretion of the Council Chair or the Committee Chairs to run the meeting because this goes for Committees also, in how they want to run the meeting, how well they want to reel someone in. Again, it is self-policing. We fought a lot of times on the rules and being able to ask questions, and that is just my opinion.

Councilmember-Elect Kagawa: Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: So the Chairs have to be self-policing as well because I can bring minutes that show the reason for the upset was because the rules were not followed or the rules were not properly structured.

(Councilmember-Elect Rapozo was noted as present.)

Councilmember-Elect Kagawa returned Chairmanship to Councilmember-Elect Rapozo.

Councilmember-Elect Yukimura: I will show you that and you were Chairing that Committee at that time. The minutes do not lie, right? They are verbatim, so you can see that. That is part of the frustration, so the actual cause of the problem was not me.

Councilmember-Elect Kaneshiro: Okay, that is my frustration right here. We are voicing our opinion on how to run a smooth meeting and it is now my fault as a Committee Chair for not running a smooth meeting. It is frustrating. I do not think what I am saying is getting heard. I will state it again. I like the way the rules are, I think we leave it up the Chairs' discretion, and I am happy.

Councilmember-Elect Rapozo: I think, and I missed whatever was said, but I will say what I said earlier. Regardless of what you do as a Chair, what I do as a Chair, there is a process in place to challenge the ruling or to call a point of order. I guess all I am trying to beg of you all is if you have a concern with the way he ran that meeting or the way I made a ruling, that you raise your hand; you say, "Point of order, Council Chair/Committee Chair," point to a rule; the Chair will review it; and the Chair will make a ruling. If you are not happy with the ruling, then you appeal the ruling of the Chair, we will get the votes, and then we move on. That is what I am saying, rather than argue, debate, or question the rule. No. That is the process in place. If I do that enough times, or you, Councilmember-Elect Kaneshiro, or anyone else, you would be removed as the Chair. That is how this thing works. We cannot have a debate on the rule every time someone feels that they were shafted. You have a process. That is why we have Robert's Rules, parliamentary procedure, and these rules, to avoid that personal "rah, rah, rah." I have to tell you Councilmember-Elect Yukimura, it is just you. If you think about it, Councilmember-Elect Yukimura, just think objectively, really. I understand it hurts, but think about it. No one else ever did that.

(Councilmember-Elect Chock was noted as not present.)

Councilmember-Elect Rapozo: No one else came up and argued the rule. Think.

Councilmember-Elect Yukimura: Yes, and...

Councilmember-Elect Rapozo: Go ahead.

Councilmember-Elect Yukimura: That is why I am trying to change the rule. For example, the speaking two (2) times rule, you do not even get to speak the five (5) minutes that you are entitled to. If you spoke more than two (2) times, you are out. Councilmember-Elect Rapozo, on the barking dogs law, I had finished speaking twice, you misinterpreted the affirmative defense saying that the Prosecutor has to show that there was not provocation. That was not a correct interpretation and I wanted to correct it as my third time and you refused to let me speak. It was a very relevant issue.

Councilmember-Elect Rapozo: Okay.

Councilmember-Elect Yukimura: And so...

Councilmember-Elect Rapozo: Hang on now. Did you appeal the ruling of the Council Chair?

Councilmember-Elect Yukimura: You actually allowed me to speak because I was already speaking it and you realized that it was a legitimate thing, but I had to fight to violate that rule.

Councilmember-Elect Rapozo: It is not a violation if the Council Chair says, "Okay."

Councilmember-Elect Yukimura: Yes, but you were not saying, "Okay."

(Councilmember-Elect Chock was noted as present.)

(Councilmember-Elect Kaneshiro was noted as not present.)

Councilmember-Elect Rapozo: You just said that...

Councilmember-Elect Yukimura: You were saying, "No," and I had to just persist. That is what I am showing, that the speaking two (2) times rule is very arbitrary.

Councilmember-Elect Rapozo: But I guess what I am saying, Councilmember-Elect Yukimura, is that had you appealed the ruling of the Council Chair, and you may have, and it may have been one of those that we voted on.

Councilmember-Elect Yukimura: And the Council would have sustained you.

Councilmember-Elect Rapozo: How do you know that?

Councilmember-Elect Yukimura: Because I know that. That is how the Council has acted so often.

Councilmember-Elect Rapozo: That should tell you something,
Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: No, but that was a place where it was a very legitimate third time.

Councilmember-Elect Rapozo: In your opinion, and I am just saying.

Councilmember-Elect Yukimura: Well, I think it would be in most people's opinion.

Councilmember-Elect Rapozo: Okay.

Councilmember-Elect Yukimura: Because it was directly addressing the issue of the barking dogs law.

Councilmember-Elect Rapozo: Okay. Well, I am not going to get into situations...

Councilmember-Elect Yukimura: Try and check the minutes.

Councilmember-Elect Rapozo: No, we are not going to get the minutes.

Councilmember-Elect Yukimura: But you are making accusations and what is it based on? I have places where I can show you how I have tried to speak, legitimately, and either the rules or your discretion has not allowed it.

Councilmember-Elect Rapozo: It would be nice to hear from the rest of the Councilmembers that have experienced this, but we will move forward. I am taking a vote. Go ahead.

Councilmember-Elect Kagawa: If you look at the actual minutes or recordings, who asked the most questions of the Administration? Who takes up most of the time at the Council Meetings? It is Councilmember-Elect Yukimura, by far.

(Councilmember-Elect Kaneshiro was noted as present.)

Councilmember-Elect Kagawa: If we allow questions to now be asked in a very open manner, while I agree with Councilmember-Elect Kawakami that a lot of times we may be losing out on a chance to gather important information at the time, because the questions could be asked outside or it could be asked in another conversation that we have, so there are other opportunities. What I am saying is if we specifically open it up again like we had before under Council Chair Furfaro, we would be giving Councilmember-Elect Yukimura an opening to take up a lot more time during the questions and answers session of public speakers to again, formulate more of her discussion instead of actually asking questions. If we could control that, then it would be okay, but I think it is very difficult to control because it is difficult. You do not want to do that on television and restrict a Councilmember. I am sure it is felt the same way sometimes when I ask questions of members when Councilmember-Elect Chock maybe was the Planning Committee Chair and had difficulty stopping me at times when I seemed to be straying off the direction we were going. I think having that level playing field of not having questions allows for a fairer process on all parts. If it is clarifying type of questions, let us have this Council focus and ask clarifying questions that are very important to the decision. I am sure if we can have that and not extend our discussion time, I am sure that we can work together as a body to create a fair process. That opens up the door like Councilmember-Elect Kawakami said, that we can get the information we need, but self-police ourselves so that we do not have abuse of it. I think we can have a better Council. I am willing to work with Councilmember-Elect Yukimura and make sure that we can get to that point and ask the questions without extending our time of discussion because I think it is very unfair to all members because a lot times, we all want to speak more than five (5) minutes. We have to play by certain rules and meetings have to proceed just like the Legislature, for or against, and why. Like he said, after everybody is done, if you have questions, open it up for questions, and not discussion. Thank you.

Councilmember-Elect Rapozo: Anyone else? What would the amendment be? Right now, we are just having a discussion on questions.

Councilmember-Elect Kawakami: What I am hearing is there is no need to change the rules because Committee Chairs are already afforded the ability to run

our Committees, which is where the work should be done anyways before it gets to the Council. So what I am hearing is you are giving the Committee Chairs the latitude to run our Committees as we see fit, and so all should be good.

Councilmember-Elect Rapozo: Like I said, I have sat here. I have never interfered with a Committee Meeting since I have been the Council Chair.

Councilmember-Elect Kawakami: Well then, that is fine with me then.

Councilmember-Elect Rapozo: I think Councilmember-Elect Yukimura's issues are when it is a Council Meeting.

Councilmember-Elect Kawakami: Okay. But then philosophically, I have a problem because the reasons that we have Committees is to do the legwork.

Councilmember-Elect Rapozo: Correct.

Councilmember-Elect Kawakami: And the majority of questioning, fact-finding, and the amendments, in fact, the amendments should be done in the Committee so that by the time it comes to the Council, a majority of the legwork, questioning, and fact-finding should have been done.

Councilmember-Elect Rapozo: That is how it is.

Councilmember-Elect Kawakami: Okay.

Councilmember-Elect Kagawa: I think Councilmember-Elect Chock kind of stated that the clarifying question can be, "You stated this, now will this be a solution?" It is not telling them to restate. It is clarifying where the speaker thinks we can go in what direction to solve the problem. I think that is an acceptable clarifying question and that is already in the rules, just like Councilmember-Elect Kawakami said. I think it is just at the discretion of the Council Chair so our questions do not drift off into arguments that make no sense and just take up unnecessary time.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I think we should amend the rules so that, and it says, "The Chair may allow Councilmembers to ask speakers to repeat or rephrase statements made during their testimony." I think it should be "may allow Councilmembers to ask speakers to ask clarifying questions." It says, "...but Councilmembers shall not ask questions that give the speaker a greater opportunity to testify than others." I do not quite understand that because actually, if they have more information, that is testimony. It shall not give members more of an opportunity, if they have substantive information, that does not makes sense.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, they can submit in writing...

Councilmember-Elect Yukimura: May I finish?

Councilmember-Elect Rapozo: They can submit it in writing.

Councilmember-Elect Yukimura: May I finish? "Councilmembers shall not ask speakers about the substance of their testimony," sometimes we are going to ask them, "...or comment on testimony or speakers during the testimony period." This is in public hearing, but it is the same thing. I think comment on testimony or on speakers during the testimony period, is correct. I think an amendment is in order so that we are clear because I was told that it does not ask them to repeat or rephrase a statement, so therefore, my question was not allowed. We have to have the rules state what we mean.

Councilmember-Elect Kagawa: As we have seen in recent years, we have allowed clarifying questions. We have.

Councilmember-Elect Rapozo: Yes.

Councilmember-Elect Yukimura: Yes, so...

Councilmember-Elect Kagawa: You have asked, "Can I ask a clarifying question?" "Yes, go ahead," and you have asked that. I think it is already done. I do not see a need to change the rules. Let us just work together and ask questions that are not doing what you agree on. You read some points that said it will extend your time, it will be clarifying type questions, and we should allow that. We should work together and we can make that happen...

Councilmember-Elect Yukimura: Well...

Councilmember-Elect Kagawa: ...under the current rules because we have been doing it and it is not in writing.

Councilmember-Elect Yukimura: No. There were Councilmembers who did not ask questions because they thought they could not because the rules do not say that they are allowed to. That is true. I even hesitate to ask questions sometimes. The rules need to state what is meant.

Councilmember-Elect Kawakami: You are an attorney, that is why. I am just joking.

Councilmember-Elect Rapozo: Listen, it...

Councilmember-Elect Yukimura: Rules are laws, that is right.

Councilmember-Elect Rapozo: The fact that the...

Councilmember-Elect Yukimura: I have these minutes of the Economic Development & Intergovernmental Relations Committee (See Attachment 7) on the fifteen dollar (\$15) minimum wage. That was when we were able to ask questions,

and you should see the information that came out that helped us understand the problems better because we were able to, and everybody asked questions, not just me.

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, if I knew this was going to be a court hearing, I would have gotten minutes from all of the times that rule was abused. I do not want to go down that road because as I said in the beginning, we gave up a good thing because of the abuse. I never said that questions...

Councilmember-Elect Yukimura: Then let us change the rules to reflect that.

Councilmember-Elect Rapozo: No, I cannot. Councilmember-Elect Yukimura, I think if I felt that there was a change that you would change, I would, but I do not think that is possible. I do not. I do not think that is possible because you, and we have even seen it today, you cannot accept the fact when someone disagrees. You use every ounce of energy to convince them that they are wrong. Councilmember-Elect Yukimura, nobody is saying anything, which is baffling, but I will say it.

Councilmember-Elect Yukimura: They have said things.

Councilmember-Elect Rapozo: Yes, I heard what they have said, but I...

Councilmember-Elect Yukimura: I have accepted what they have said.

Councilmember-Elect Rapozo: It is not the first time.

Councilmember-Elect Yukimura: You are able to say something based on the minutes, but I am not able to provide minutes or documents? What is wrong with that?

Councilmember-Elect Rapozo: I did not say anything about minutes.

Councilmember-Elect Yukimura: No. You have said that I take up all the time, I am very terrible in how I ask questions, and I am showing you that questions can be asked in a very—everybody asked questions in a time where questions were clearly allowed and it was a very good discussion, and that is what we are losing. I have said I will try to self-police and you are all part of—but I am also going to police and ask others to be self-policing and as Chairs, to police also.

Councilmember-Elect Rapozo: Absolutely.

Councilmember-Elect Yukimura: Alright. Well then, we should be able to work together.

Councilmember-Elect Rapozo: Councilmember-Elect Brun.

Councilmember-Elect Brun: I would have supported these questions, but after going through this last half an hour, no. I do not think we will be able to control ourselves enough to not do it. I was hoping we could. I was going to support it, even what Councilmember-Elect Kawakami did at the Legislature. I would love to see that. Sorry, Councilmember-Elect Yukimura, I do not think we can do that. I will not be voting for it if we are going to vote on it.

Councilmember-Elect Yukimura: Okay. I would like a critique of my behavior today. Do you think that I have been unreasonable in what I have been saying?

Councilmember-Elect Rapozo: What you have been saying today?

Councilmember-Elect Yukimura: Yes.

Councilmember-Elect Rapozo: No, I do not think you are being unreasonable. I just do not think you have been honest. I do not think what your perspective or your perception of how your behavior has been over the last two (2) years is accurate, your perception of your personal behavior is not accurate.

Councilmember-Elect Yukimura: I am talking about my behavior today, so let us practice. You folks give me feedback. You think that I have been talking about things that are irrelevant or I have been asking questions that are irrelevant. If you think that asking questions means that I am disagreeing with you, I am sorry. I have to ask questions and we have to be able to disagree.

Councilmember-Elect Rapozo: I will start...

Councilmember-Elect Yukimura: So, I would like Councilmember-Elect Chock...

Councilmember-Elect Rapozo: But I want to just start because I think there is a difference between asking questions and re-asking questions over and over and over hoping to get a different answer.

Councilmember-Elect Yukimura: Alright, then tell me...

Councilmember-Elect Rapozo: That is my critique.

Councilmember-Elect Yukimura: Tell me how I have done that today.

Councilmember-Elect Rapozo: I think we have seen that several times today.

Councilmember-Elect Yukimura: Well, tell me specifically.

Councilmember-Elect Rapozo: Councilmember-Elect Chock

Councilmember-Elect Chock: I think the venue that we are in is different just like how it is when we are in Executive Session. It is a different

environment that we are talking about. I think the bottom line that I am hearing is I do not know if there is enough trust around the table that even if we do agree, which we already have to some degree, said that there are questions that we can now ask, which is a good step because the truth is that I did not ask questions because I thought it did say we had to restate. I heard it a couple of times in the previous session. You will see me ask clarifying questions and I think that if the discretion of the Council Chair as he has continues, then it will be okay. I think the reason why there is an interest not to change the rules is because there is not enough trust that Councilmember-Elect Yukimura, you are going to do it or you are going to follow through on it. That is what I heard. I heard it out of Councilmember-Elect Rapozo's mouth. Let me finish, I would like to propose that we are making progress as it is right now because I believe that you will see more questions being asked for one. But I think it is about building trust as well over time to see that if you start asking questions, how it is that those questions are being managed by yourself. If we get to a point in three (3) months, for instance, that it looks like things have changed, we are not experiencing the same things that we have experienced in the past, then we could move towards something even bigger like some of what Councilmember-Elect Kawakami is talking about because I would like to see some of that in play. I think it is small steps that we have to take here in trying to accomplish the trust part that is missing from what I am hearing.

Councilmember-Elect Rapozo:
Councilmember-Elect Kagawa.

Councilmember-Elect Kaneshiro. No?

Councilmember-Elect Kagawa: I think I remember a public hearing and it was burning me to ask a question, I asked the question, and Councilmember Hooser said, "Committee Chair, you cannot ask questions" and I said, "Okay." I accepted that knowing that he could not ask questions and Councilmember-Elect Yukimura could not ask questions. So it was at the discretion of you and I accepted it. That is self-policing. If I am the Chair, she asks a legitimate question that I believe is important for the decision, I will rule in favor of letting her ask that question. I think if we can get everybody to work together and ask questions that are legitimate, then I think we can work together. Councilmember Hooser did not like my question so he stopped me, he cited the rules, and I obliged. I did not argue with him about it. I did not argue with your ruling of "Well, you did not tell me to go on," so I just stopped. I think we have that opening as Chairs to work together, but we have that ruling to stop each other if we see if we are going to get argumentative type of discussions or questions that are unnecessary and a waste of time. Thank you.

Councilmember-Elect Rapozo: The problem is not so much the question, it is the ensuing discussion or using the question opportunity to discuss or move your point of view. I think that was the bigger concern, trying to stop a Councilmember that is on a roll. I am not just talking about Councilmember-Elect Yukimura, we are all guilty of it. When you get on that roll and you forget that you are supposed to be asking the question and it happens a lot when we have the Administration or the resource people up here. It is very hard to stop someone at that point, and that is where we have to be better, me included. We have to be better saying, "I have to remember that I can only ask a question and I am not going to take this opportunity to convince the person there or members around this table that my

position is the right one.” That is what I think is the bigger problem. The question is a good thing. It is not that. The problem was the collateral damage of the ability to ask questions, which would just drag on the discussion.

Councilmember-Elect Rapozo:

Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: So that is where the discretion of the Council Chair has to come in and control that, but we need to allow clarifying questions. I believe that needs to be stated in the rules. You can always change the rules, so you can have this three (3) month trial period not just for me, but for everybody, and see how we ask questions. If it abused and you are not able to control it as is the Council Chair, then you change the rule again.

Councilmember-Elect Rapozo: I can control it. It is not difficult to control, but it is just that when the hammer falls, then the argument ensues. That is what has to stop. This is the deal, we can have a gentlemen-gentlewoman agreement right now for three (3) months and we can see how it goes. Again, each Committee Chair runs their Committee how they want to. You have the discretion to suspend the rules at any time, if there is no objection, and you can let the person ask anything they want. That is up to you as the Committee Chair. It is very tough to unwind the rule change once it is done, and I do not see why we need a rule for that. Let us have that trust. Let us try to rebuild that trust and let us try for three (3) months without a rule change. Let us just do it and see if we can control ourselves. The other thing too, Councilmember-Elect Yukimura talked about, well, some people have a lot of things to say. Well, can you imagine if they have more to say and we are going to let them talk?

Councilmember-Elect Yukimura:

I am not talking...

Councilmember-Elect Rapozo: No, you said it earlier. You said you have people here that have a lot of interesting things to say and we should not stop them.

Councilmember-Elect Yukimura: No. Excuse me, that is wrongly interpreting what I said.

Councilmember-Elect Rapozo: Well, that is what I heard. I do not know what you folks heard, but that is what I heard.

Councilmember-Elect Yukimura: If somebody has a particular problem and we want to understand what it is—read the minutes of the Economic Development & Intergovernmental Relations Committee. There were small businesses that could tell us they were paying for health care and if we put in a fifteen dollar (\$15) minimum wage that went from ten dollars (\$10) to fifteen dollars (\$15) in one (1) year, how they would be affected. That is important information and so by asking questions, we were able to understand a lot more about their situations. That is what I mean about more information.

Councilmember-Elect Rapozo: Okay. Anyway, let us move on. It is 12:35 p.m. already. I think there is no more to add to that discussion. Does anyone want to entertain an amendment going forward as far as the rules? Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: The rules are in writing for a purpose. If we...

Councilmember-Elect Rapozo: Councilmember-Elect Yukimura, do we want an amendment?

Councilmember-Elect Yukimura: I am...

Councilmember-Elect Rapozo: We are on that. We want to dispose of that item already so we can move on.

Councilmember-Elect Yukimura: Okay. Yes, I think we need the rules to say what we mean and I think we all agree that clarifying questions are appropriate. I think the rules needs to say that we can ask clarifying questions.

Councilmember-Elect Rapozo: Okay. My question to the rest of you is, are we going to entertain that amendment because I am not going to have staff prepare one if we do not have the support.

Councilmember-Elect Kagawa: I do not think we need it right now.

Councilmember-Elect Kaneshiro: No.

Councilmember-Elect Rapozo: Anyone else?

Councilmember-Elect Brun: No.

Councilmember-Elect Rapozo: Okay, that is four (4) noes. Are there any other changes? Again, I do not know what your folks' intentions are as far as when we get to December 1st. I am hoping that whatever is accepted here today will be what we approve on December 1st. Councilmember-Elect Yukimura, if you are going to try to entertain or introduce amendments, let us know now so we can prepare. I do not want any surprises.

Councilmember-Elect Yukimura: I do not know now.

Councilmember-Elect Rapozo: You do not know now?

Councilmember-Elect Yukimura: I have to think about it, but I want to say one (1) thing. The other rule that I am concerned about is the two (2) time limit. I would like it to be just a five (5) minute limit so that you can speak as many times as you want to up to five (5) minutes. Right now, the two (2) times stops you from even speaking for five (5) minutes, which is what is allowed.

Councilmember-Elect Rapozo: Okay. I am sorry,
Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: I think that we need to be mindful that we are elected to address issues. I have seen us get caught up in wordsmithing and rules. In all honesty, I think that we just have to get going. We have to conduct business and start addressing issues. I think a lot of what we are discussing today will only be revealed once we start operating as a Council. I think that we are beating this thing up prematurely, I think we have a new Council, and I think that a lot of the issues that you are concerned about will be revealed once we start operating. I just ask that maybe we have to give this Council a chance to operate. I think if your concerns are verified once we start operating, then it is fair game for us to go and start looking at our rules, but this is crazy. Our job is not to be so caught up in our rules, our job is to start addressing issues, and if we cannot start addressing issues, then people are going to be very disappointed at the people that they elected around this table. I think we should give this Council a chance to operate. I have faith that we will hold this body, in general, accountable to addressing issues. I think that maybe you are afraid that the rules in place will inhibit your ability to operate, but I do not think so. Just give this Council a chance. Let us give it a whirl and if it does not work out, then by all means, let us revisit how we operate. But by golly, we spent the last three (3) hours, which is valid, this is the time to do it. This is the time to roll up our sleeves and get some things on the table, but let us not make a mockery of this on Inauguration day. If we have to take a break...gosh, Councilmember-Elect Yukimura, I think we can make it work. I think you just have to give it a whirl, though. I do not think we need to put everything down in the rules. I understand where you are coming from. You want to see everything written down explicitly, but that is not how things work in the real world. Things work with latitude, with give and take, and with the discretion that we have to run our Committees the way we want to. Then, we have to give the latitude to leadership to run the Council because we are electing them internally to run this thing. It is just going to be hard if you want to put everything down in black and white. It is really going to be mind-blowing because then everybody is going to want to put something down in writing. I do not think that is the way it is designed to operate. All I ask is that we remain focused on the big picture and give this thing a try, and that is all I have to say, that we move forward. Then, it concerns me when I hear that, "Oh, I do not know what I am going to do on Inauguration day." That is fine. You can go ahead and do whatever you want to, but I can tell you that I would hope—all I can do is hope. I would hope that it would not happen that way, but if it does, it does and I can live with it and I think we can all live with it. But I would hope that we would not create a mockery on a day that is supposed to be symbolic as far as moving forward in addressing real issues because these are not real issues. Rules are not real issues. Rules are not going to make this island and this County operate. It is not going to improve quality of life. It will not, and I think that we have to be mindful as a body of what the big picture is. I think we are losing focus already. I have said my piece and that is all I am going to say about it.

Councilmember-Elect Rapozo: It is 12:40 p.m. I know our staff has to eat. Councilmembers-Elect do not, but staff has to eat. I am hoping that we can wind

this up by 1:00 p.m. and get them out of here so that they can go eat, otherwise we are going to have to take a break. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: Thank you, Councilmember-Elect Kawakami. I do not want the Inauguration to turn out like it did the last time either, which is why I introduced the rules a month ago so that there could be discussion on it. I guess I do not totally agree with you that rules will not affect quality of life. The powerful Rules Committee in Congress determines how you are able to consider every issue that comes before us. That is my concern, that we have robust discussion and I am sorry, but my experience of the past two (2) years has not built a lot of trust in me that the process is going to work well, and there has not been a recognition of how important the rules are. If it was not important to put things in writing, we would not have any rules. We would just go by discretion of the Council Chair, but rules set the guidelines for how we are to discuss, and I think when good rules are in place, we can have really good discussions that will lead to really good decisions. That is why I think they are so important. They are foundational to how we are going to do our business. I understand that it is also about relationships and about trust, so in making my decision about what to do, I am going to take all of that into account. I really appreciate the discussion that we have had today and how we have really been honest. I feel like it has kind of been one-sided and if I could show you the actual dialogues, you would see that it is not just about me and not about my inability to ask questions or things like that. I do think I have a role in that and I have been trying to reflect and control myself. I commit to doing that and I invite all of you, either individually or collectively, to let me know when you think I am crossing the line. I also think that having clear rules is both a protection for the minority viewpoint and it is really important for good operations.

Councilmember-Elect Rapozo:

Councilmember-Elect Kawakami.

Councilmember-Elect Kawakami: I do not think this is the venue to do all of that soul-searching. I think some of the issues that you are raising, the issues of trust, are only going to be—you are not going to solve them here, unfortunately. What I am saying is that time is precious and I think a lot of these rules and the operation of the Council is to address that very notion that I just said, that time is probably the most precious thing. If there is any inkling that time is being wasted, I think that is when people are going to get frustrated. I respect your position on the rules and will say it again, I politely and respectfully disagree with your position on how important these rules are. I think rules are important parameters to set, but when you want to use them in the fashion that I think I have seen it being used, I think that is when people are going to get frustrated. I see your point, I respect it, but I disagree, and I would like to see us move forward.

Councilmember-Elect Rapozo:
then Councilmember-Elect Kagawa.

Councilmember-Elect Kaneshiro and

Councilmember-Elect Kaneshiro: Again, I cannot agree more with Councilmember-Elect Kawakami. This is the time to get the things out on the table and we have this meeting so that this is not going on at Inauguration. If we discuss it and it does not make it past this meeting, then it should not be brought up again

and have this whole discussion again that we just went through. No sense have this day then. We should just fight about everything on Inauguration day. I think that is why we are here. Inauguration will have cameras and people. If that is what we want to do, we just make a scene when we come here and votes are not there for our thing, I think we talk about self-reflection and self-policing, we respect what has come out of this meeting and we take it to Inauguration. If things do not pass, we leave it at that. If things do not work out, again, bring it up later. We have not even seen how the Council works yet. That is just my opinion. I would like to move forward too, already.

Councilmember-Elect Rapozo:

Councilmember-Elect Kagawa.

Councilmember-Elect Kagawa: I think the greatest advice you can get is from somebody who observes all of the Council Meetings statewide. Miles, who represents the Operators Union, regularly attends Big Island Council Meetings. He attends Maui Council Meetings, he attends City and County of Honolulu Council Meetings, and he attends some of our meetings. In the past six (6) months, I would say he came here at least four (4) times. This is not somebody who BSees. He actually shows up and he does not say a word. He sits back there and he said that he was most impressed with Kaua'i County's meetings. We get the most public participation on a regular basis and he is impressed with the questions or dialogue that goes on regarding issues. He said that from his point of view, that Kaua'i County Council Meetings is the most impressive of all. I think we are trying to paint this dark picture right now with this argument about the rules and how we do business, and here we have an independent observer that watches all of the meetings statewide that says that Kaua'i is above and beyond the most impressive and he thinks that we do a great job here. I took that as a compliment because he was the only person that I saw that attended all meetings, not just Kaua'i or Big Island. I think we are headed in the right direction. Of course anything can improve, but I have extended my hand to Councilmember-Elect Yukimura no matter what our differences have been over four (4) years. I am saying like Councilmember-Elect Kawakami, please give us a chance. Let us see if we can improve our relationships and meetings going forward, and if you are not happy, you are free to bring up an amendment at a subsequent Council Meeting. I have extended my hand and I hope I can extend my hand and ask you not to do it on Inauguration day because I believe that it should be a day of celebration, especially for Councilmember-Elect Brun and Councilmember-Elect Kawakami who has returned to the Council. Thank you.

Councilmember-Elect Rapozo:

Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: I have heard all of your concerns and thoughts, and out of respect for all of you, I will not be making any amendments at Inauguration. I was hoping that we could go in with rules that we all supported and it still baffles me why we cannot put in writing what we all seem to agree on. I guess that is how it is.

(Councilmember-Elect Kagawa was noted as not present.)

Councilmember-Elect Yukimura: I am hopeful that we will be able to actually go by the rules that we are not willing to put in writing because I think they are really important for good discussion.

Councilmember-Elect Rapozo: Is there any other discussion? Where did Councilmember-Elect Kagawa go? Did he leave?

Councilmember-Elect Yukimura: He probably has to pee like some of us are holding.

Councilmember-Elect Rapozo: Oh.

Councilmember-Elect Kawakami: Are you holding?

Councilmember-Elect Rapozo: Go. We will take a short recess. Everybody go make pee. Just go pee and come back.

There being no objections, the meeting recessed at 12:50 p.m.

The meeting reconvened at 12:53 p.m., and proceeded as follows:

Councilmember-Elect Kagawa: Do we need a motion?

Councilmember-Elect Rapozo: We had a motion. We are just going to carry over the Rules. Today is formally informal. All of this will be placed back because the Committees all have to be adjusted on the Rules because the Resolution includes the structure and the Rules, which will be presented. I just want to make sure everybody is okay that it will carry over as it is. Councilmember-Elect Brun is your hand up?

Councilmember-Elect Brun: Yes, I have an amendment to the Rules.

Councilmember-Elect Kagawa: Okay. Sorry.

Councilmember-Elect Kagawa moved to approve the Rules of the Council of the County of Kaua'i for the Organization of Committees and the Transaction of Business, which is attached hereto and incorporated herein as Attachment 8, seconded by Councilmember-Elect Kaneshiro.

Councilmember-Elect Rapozo: Is there any discussion?

Councilmember-Elect Brun: I am just joking.

Councilmember-Elect Rapozo: Slap him, Councilmember-Elect Yukimura. Just reach across and slap him. Go ahead.

Councilmember-Elect Yukimura: I am not okay with the Rules, but I am not going to be challenging it at Inauguration, and I am going to give us all a chance. I really think it is important to put things in writing, but I will wait and see how it

works. At Inauguration, I will be stating that I do not fully agree, but maybe I will be voting for it to allow it and to trust the group that the Rules will be enforced in a different way in the future.

Councilmember-Elect Rapozo: I guess the Rules in place today allows for that latitude, so I am not sure what Councilmember-Elect Yukimura does not agree with. Also, I do not agree with what happened today in the Committee structures, but I am not going to go up and say, "I disagree with the structure of the Committees, but I am going to support it." I think Councilmember-Elect Kawakami made a very good comment about moving this thing forward. Councilmember-Elect Yukimura has said, "I might even support it," which leads me to believe that she may not support it. I think it is important going forward that we do start the term united. I think that we just have to, like Councilmember-Elect Kagawa was trying to say, work together and try to allow for that. We have to be better. I am talking to all of us. We have to be better at making sure that we apply ourselves properly. When we are asking questions, the intent is to get answers, not to convince them otherwise. It is not to extend the debate with the constituent or the testifier, but it is really sincerely and genuinely to get a question answered that you need in your deliberation. If we can all do that, then we will not have an issue. I am hoping that is what will happen, and I believe it can. I think we can do it and I am hoping that we do. Councilmember-Elect Yukimura.

Councilmember-Elect Yukimura: Councilmember-Elect Rapozo, are you asking me to not say what my reservations are or to explain what my vote will be? I am not going to propose amendments and try to extend it, but I do want the opportunity to say where I stand on the issue.

Councilmember-Elect Rapozo: Yes. I am not asking you to do anything. I am just telling you what I am doing because it is the ceremonial meeting. I think today was the day to make those comments and concerns known. I think the public should see a new Council agreeing to work together going forward, and that is what I think they should see on Inauguration day. Again, I am not telling or asking any of you to do anything. My comments were about what I am going to do and my personal feelings that I feel should be addressed here in front of you face to face. I am not happy with what happened today, but I supported some of it. I did not support all of it, but like I said at the beginning of today's meeting, whatever this body decides, I am supporting it at Inauguration. That is all that comment was. Is there any other discussion? If not, roll call.

The motion to approve the Rules of the Council of the County of Kaua'i for the Organization of Committees and the Transaction of Business, which is attached hereto and incorporated herein as Attachment 8 was then put, and carried by the following vote:

FOR MOTION:	Brun, Chock, Kagawa, Kaneshiro,	
	Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent, but shall be recorded as an affirmative vote for the motion.)*

Ms. Fountain-Tanigawa:

Seven (7) ayes.

Councilmember-Elect Rapozo: A couple of other things, once we really convene and once we become the Council, Councilmember-Elect Kaneshiro has expressed interest in taking the National Association of Counties (NACo) position and Councilmember-Elect Kawakami has expressed interest in taking over the Hawai'i State Association of Counties (HSAC) position. If anyone else has any desires, I will say for—and we are not voting on that today obviously, but I just wanted to give everybody a heads up. Councilmember-Elect Kaneshiro, get with Aida to look at the travel schedule for NACo because that is vital that you be able to commit to the travel requirements of the NACo Board. Is there any other transaction of business as the agenda has been posted? The other thing, as far as the Committees, when we have the Committee discussion and I think Councilmember-Elect Chock and I have had this discussion in the past at some point, that Councilmember-Elect Kawakami has expressed his interest in removing the ex-officios and just run Committees. One (1) thing I would like all of you to consider, again, I am not going to put it in the Rules. It is something that the Committee Chairs are going to have to address and decide whether or not, but having the discussion and the work done by the Committee Members and then when that is done, the non-Committee Members can participate. I think that gives the Committee a little bit more Committee structure as opposed to just having it like a Council Meeting. That impacts me the most because I do not sit on any of the Committees. I basically sit here and wait until everybody is done, then I will have a chance. It does not prohibit any non-Committee Member from talking with a Committee Member and sharing a request for an amendment or so forth. That can be done offline. Committee Chairs, it is just something that Councilmember-Elect Chock and I talked about, having the Committees actually work as a Committee uninterrupted and then when the Committees are done, then the non-Committee Members can participate. That is just a suggestion. It is not even a potential rule change, but just something to think about. Is there anything else? If not, this meeting will be adjourned.

ADJOURNMENT:

There being no further business, the Council-Elect Meeting adjourned at 1:00 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY COMMITTEE

JoAnn A. Yukimura, Chair
 Arthur Brun, Vice Chair
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
Ross Kagawa, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Mason K. Chock, Member
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
JoAnn A. Yukimura, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
 Ross Kagawa, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
 JoAnn A. Yukimura, Member

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY COMMITTEE

Derek S.K. Kawakami, Chair
Ross Kagawa, Vice Chair
Arthur Brun, Member
Mason K. Chock, Member
Arryl Kaneshiro, Member
JoAnn A. Yukimura, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

TRANSPORTATION COMMITTEE

JoAnn A. Yukimura, Chair
Mason K. Chock, Vice Chair
Arthur Brun, Member
Ross Kagawa, Member
Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Mason K. Chock, Member
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
JoAnn A. Yukimura, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

2016-2018 Kaua'i County Council-Elect
 Organizational Meeting
 November 23, 2016

Proposed by: JoAnn A. Yukimura

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun, Member
Mason K. Chock, Member
Arryl Kaneshiro, Member
Derek S.K. Kawakami, Member
JoAnn A. Yukimura, Member

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY COMMITTEE

JoAnn A. Yukimura, Chair
 Arthur Brun, Vice Chair
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
Ross Kagawa, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Mason K. Chock, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
 Ross Kagawa, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
 JoAnn A. Yukimura, Member

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY & TRANSPORTATION COMMITTEE

JoAnn A. Yukimura, Chair
 Mason K. Chock, Vice Chair
 Arthur Brun, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
Ross Kagawa, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Mason K. Chock, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
 Ross Kagawa, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
 JoAnn A. Yukimura, Member

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY & TRANSPORTATION COMMITTEE

JoAnn A. Yukimura, Chair
 Arthur Brun, Vice Chair
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
Ross Kagawa, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Mason K. Chock, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
 Ross Kagawa, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
 JoAnn A. Yukimura, Member

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

Ross Kagawa, Chair
 Arryl Kaneshiro, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 JoAnn A. Yukimura, Member
Derek S.K. Kawakami, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PUBLIC SAFETY & TRANSPORTATION COMMITTEE

JoAnn A. Yukimura, Chair
 Arthur Brun, Vice Chair
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
Ross Kagawa, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE

Arthur Brun, Chair
 Derek S.K. Kawakami, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Mason K. Chock, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

PLANNING COMMITTEE

Mason K. Chock, Chair
 JoAnn A. Yukimura, Vice Chair
 Arthur Brun, Member
 Ross Kagawa, Member
 Derek S.K. Kawakami, Member
Arryl Kaneshiro, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE

Derek S.K. Kawakami, Chair
 Mason K. Chock, Vice Chair
 Ross Kagawa, Member
 Arryl Kaneshiro, Member
 JoAnn A. Yukimura, Member
Arthur Brun, Ex-Officio Member
Mel Rapozo, Ex-Officio Member

BUDGET & FINANCE COMMITTEE

Arryl Kaneshiro, Chair
 Derek S.K. Kawakami, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Ross Kagawa, Member
 Mel Rapozo, Member
 JoAnn A. Yukimura, Member

COMMITTEE OF THE WHOLE

Mel Rapozo, Chair
 Ross Kagawa, Vice Chair
 Arthur Brun, Member
 Mason K. Chock, Member
 Arryl Kaneshiro, Member
 Derek S.K. Kawakami, Member
 JoAnn A. Yukimura, Member

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 1 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS

September 2, 2015 (ja)

RE: C 2015-227

From the
COUNTY COUNCIL
Lihue, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS

County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Honorable Mel Rapozo
Chair, Kaua'i County Council
County of Kaua'i
State of Hawai'i

Dear Sir:

Your Committee on Economic Development & Intergovernmental Relations, to which was referred C 2015-227 which is:

"Communication (08/11/2015) from Councilmember Kualii, requesting agenda time to discuss and approve for inclusion in the 2016 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages, a proposed amendment to Section 387-2, Hawai'i Revised Statutes (HRS), that would increase Hawai'i's statewide minimum wage to \$15.00, effective January 1, 2019,"

begs leave to report as follows:

The purpose of this Communication is to enable the Council to vote on whether or not the Proposed State Bill will be transmitted to Mayor Bernard P. Carvalho, Jr. for possible inclusion in the County of Kaua'i Legislative Package; and to the Executive Committee of the Hawai'i State Association of Counties (HSAC) for possible transmission to all Counties for their unanimous concurrence, and thereafter inclusion in the HSAC Legislative Package. The Proposed State Bill purports to increase the statewide minimum wage to \$15.00, effective January 1, 2019.

Councilmember Gary L. Hooser moved for approval of C 2015-228, seconded by Councilmember Arryl Kaneshiro.

Committee Chair KipuKai Kualii read aloud the Justification section of the Justification Sheet attached to C 2015-227.

Councilmember JoAnn A. Yukimura asked if the Los Angeles, San Francisco, and Seattle minimum wage increases have taken effect. Committee Chair Kualii stated he did not have the materials in front of him, but believes they are slated to take effect at future dates. Committee Chair Kualii further stated that New York State is also considering a proposal, which has not yet been approved. Councilmember Ross Kagawa requested to ask questions of Representative Daynette "Dee" Morikawa, present in the audience. Committee Chair Kualii agreed to do so, first noting the testimony that has been received by businesses, community members, and labor organizations. Committee Chair Kualii summarized selections of this testimony as follows (Attachment A):

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 2 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawaii

TO:

Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

1. The Hawai'i Lodging and Tourism Authority – Representing 150 lodging properties, 50,000 rooms, and 170,000 jobs statewide. Views the increase from \$10.10 to \$15.00 (32.67%) as too drastic for a one (1) year transition. States that the wage increase would occur without a profit increase, and that the economy remains fragile.
2. Chamber of Commerce of Hawai'i – Representing 1,000 businesses, 80% of which are small businesses with less than twenty (20) employees. States that the proposed minimum wage increase would likely hurt companies, and hinder future investment and growth. Further states that Hawai'i is the only State that mandates employers make health care available to employees, including part-time employees, who work twenty (20) or more hours per week.
3. Hanalei Watershed Hui – Community-based organization, in full support of the proposal.
4. Hawai'i State AFL-CIO – In support, citing a recent study conducted by the National Low-Income Housing Coalition, which concluded that the minimum household income needed in Hawai'i to afford the fair market rent for a two-bedroom rental dwelling is \$31.60 per hour. Further stated that a \$15.00 minimum wage would raise the incomes of more than 290,000 workers above the poverty level.
5. Hawai'i Government Employees Association (HGEA), AFSCME, Local 152, AFL-CIO – Representing 42,000 members in Hawai'i. In strong support.
6. United Public Workers (UPW), AFSCME, Local 646, AFL-CIO – Representing 14,000 public sector and 1,500 private sector employees. In strong support.
7. International Longshore & Warehouse Union (ILWU) Local 142 – States increasing minimum wage would be good for workers and economy as a whole due to workers' increased purchasing power.
8. UNITE HERE Local 5 – Representing over 1,000 workers in the hotel, restaurant, and health care industries in Hawai'i. In support, but believe proposal should include language allowing an exception for workers covered by collective bargaining agreements, who may prefer to accept lower wages in exchange for more of other benefits.

Committee Chair Kualii further stated that the Council is also beginning to receive testimony from individuals and small businesses.

Councilmember Mason K. Chock, an ex-officio member, circulated for consideration and discussion a pamphlet published by the Minnesota Department of Labor & Industry, relating to the minimum wage of the State of Minnesota, which uses a "tiered" approach assigning a higher minimum wage to employers defined as "large" and a lesser minimum wage to "small" employers, those of "training" age, "youth," and small employers engaged in interstate commerce (Attachment B).

Committee Chair Kualii circulated a table of data showing the average prices of bread, eggs, milk, and gasoline on Kauai and in the

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 3 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Līhu'e, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

municipalities that have enacted a \$15.00 minimum wage, noting that the costs of living are similar to Kaua'i (Attachment C).

Councilmember Kagawa referenced an E-mail he received from Kurt Akamine, and asked that the E-mail be circulated to all Councilmembers (Attachment D). Councilmember Kagawa stated that the E-mail explains that economists from the Massachusetts Institute of Technology (MIT) found that minimum wage increases lead to higher unemployment. Councilmember Kagawa further stated that he agrees with the good intentions of the proposal, but believes it is important to have studies in support, so that government does not "bite the hand that feeds us" by harming businesses.

Your Committee heard from Representative Daynette "Dee" Morikawa, who stated that Act 82, relating to minimum wage (Senate Bill No. 2609, 2014 State Legislative Session) required two (2) legislative sessions of deliberations before it was successfully passed (Attachment E). Representative Morikawa stated that the stumbling block was the tip credit issue (Hawai'i Revised Statutes (HRS) 387-2(b)). Representative Morikawa further stated that she is no longer a member of legislative committees pertaining to labor.

Councilmember Kagawa thanked Representative Morikawa for her presence. He further stated that he would like to know more about why the Legislature took the action that it did in 2014, and stated that it may be too soon to discuss what the amount could or should be in year 2019.

Councilmember Hooser asked why the legislature did not establish automatic cost of living increases, stating that the \$7.75 minimum wage equates to \$10.80 in today's dollars accounting for inflation. Representative Morikawa stated that she is not sure, but that the Legislature tries to assist in other ways, such as offering tax credits, welfare, medical benefits, and housing assistance. Councilmember Hooser stated that a higher minimum wage should lead to lower social services costs. Representative Morikawa stated this is correct in theory, but that she is not currently a member of legislative committees pertaining to finance. Councilmember Hooser stated that many "big box store" employees qualify for public housing, Supplemental Nutrition Assistance Program (SNAP), and other social services.

Committee Chair Kualii asked if the 2014 State Legislature considered a tiered approach like that used by Minnesota. Representative Morikawa stated no, they did not.

Councilmember Kaneshiro asked about the economic impacts of a minimum wage increase. Representative Morikawa stated that businesses are concerned, and the actual impacts are unknown, but impacts definitely will occur. Representative Morikawa further stated that the minimum wage is just one (1) of many employer mandates (for example, including health care). Representative Morikawa stated that the Legislature works to balance both sides of the issue, and does not want businesses to fail in trying to pass legislation for working people to thrive. Committee Chair

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 4 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

Kuali'i stated that although state law requires employers to make health care available, it does not require employers to pay for the coverage.

Your Committee heard from Glenn Mickens, resident, who stated that he applauds the efforts by the proposal's supporters, and feels that citizens need a minimum wage increase. Cost of living in Hawai'i is expensive, and business Chief Executive Officers (CEOs) should receive pay cuts. Mr. Mickens further stated that historically businesses will regularly claim that increased minimum wages will bankrupt their operations.

Your Committee heard from Matthew Bernabe, resident, who stated that he disagrees with the argument that minimum wage jobs are only for "transitional" employees and therefore need not be high-paying. Mr. Bernabe stated that he worked as a Cook for ten (10) years making \$10.00 per hour. Mr. Bernabe further stated that if employers "can get away with" paying less compensation, they will. He stated that the current scheduled January 1, 2018 increase to \$10.10 is "shameful." Mr. Bernabe further stated his concern that under a tiered system the larger businesses might sue to invalidate the law. He stated that businesses need solid plans and must adjust, including farmers who should try to export their goods.

Your Committee heard from Mark Perriello, President of the Kaua'i Chamber of Commerce, who stated that he believes the proposal's goal is noble, but "not the way to do it." Mr. Perriello stated that the Kaua'i Chamber of Commerce represents 450 businesses and 650 members. Mr. Perriello further stated that the forthcoming maximum of \$10.10 is itself an experiment, the result of which should be seen before making further changes. Mr. Perriello stated that "the Congressional Budget Office actually estimated that if we raised the minimum wage to \$10.10 per hour it would cost 500,000 jobs across the State—1.5% of the low-wage workforce." With a \$15.00 per hour minimum wage, small businesses would be faced with decisions such as cutting hours, benefits, and staff, replacing their workforce with automation, or even closing their business. Councilmember Hooser asked if Mr. Perriello was aware that some members of the Kaua'i Chamber of Commerce submitted testimony in support of the proposal, and that the United States Department of Labor's position is that it is a myth that increasing the minimum wage will cause people to lose their jobs. Councilmember Hooser further stated that a letter to President Obama, written by more than 600 economists including seven (7) Nobel Prize winners, stated that minimum wage increases have had little or no effect on the employment of minimum wage workers – essentially the opposite of the Congressional Budget Office. Mr. Perriello stated that there are lots of opinions on both sides, that this is a controversial issue, and because of this lawmakers should wait to observe the results of the increase to \$10.10. Councilmember Yukimura asked Mr. Perriello to submit written testimony including the Federal sources he cited. Councilmember Kagawa referenced the MIT findings.

Your Committee heard from Taryn Rodighiero, resident, who stated that she is the owner of a small business, KaiKini Bikinis, and is against the increase from \$10.10 to \$15.00 because it would happen too quickly. She would like to continue as Hawai'i's largest bikini manufacturer. with all

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 5 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Līhu'e, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of

PUBLIC WORKS

County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

production on Kaua'i. Ms. Rodighiero stated that she is able to export two-thirds (2/3) of her product worldwide, but this proposal would impair her ability to compete and cause her to close her business. She currently provides a \$10.00 entry pay, health care at no charge to her employees after one (1) month on the job, and a pay raise is discussed after three (3) months. Councilmember Yukimura asked if a high minimum wage would narrow her flexibility in offering other benefits. Ms. Rodighiero stated yes. Councilmember Kagawa asked if lower minimum wages on the mainland would lower her competition. Ms. Rodighiero stated yes. Councilmember Hooser referenced the U.S. Department of Labor information, stating that a 2015 survey found that three (3) out of five (5) business owners support a gradual increase in the minimum wage. Ms. Rodighiero stated that she understands that incremental increases make sense, and that Minnesota's tiered approach also seems reasonable. Committee Chair Kuali'i asked how many employees Ms. Rodighiero has. Ms. Rodighiero stated no less than (6), sometimes ten (10) depending on seasonal needs. She further stated that the tiered system appears to make the most sense, but perhaps defined by number of employees so that government would not punish businesses for being successful in their earnings. Council Chair Mel Rapozo, an ex-officio member, stated that distinguishing between small and large businesses based on their number of employees could be a disincentive to hiring people.

Committee Chair Kuali'i stated for clarification that he has introduced three (3) different proposals on interrelated issues. The current proposal is a Proposed State Bill relating to minimum wage. The second is a Proposed State Bill relating to paid sick leave (C 2015-228). These are both Communications, that if approved would ask the State Legislature to further consider these issues. For minimum wage, the current law's final increase is to \$10.10 on January 1, 2018, and nothing further. This proposal would suggest that the Legislature continue working with the business community, the community at-large, and the labor community to plan for 2019 and 2020. The current proposals are just drafts that would be altered by the Legislature if needed. Committee Chair Kuali'i further stated that his third proposal is Resolution No. 2015-57, which has four (4) parts to it and does not have the same time-sensitive deadline for Council action as the Legislative Package Communications. The HSAC proposals will not be transmitted to the Legislature unless the HSAC Executive Committee and all four (4) Counties agree. Councilmember Yukimura stated that approving the Communications to move the proposals forward toward Package inclusion is more than just starting the conversation, but signifies that the Council will stand in favor of the proposals as-is. Councilmember Kaneshiro stated that he shares Councilmember Yukimura's concern about the impression that would be made, and that he might support more general language encouraging the Legislature to engage in further work. Committee Chair Kuali'i stated that because the proposal is a Draft Bill, there must be some dollar amount included. Councilmembers may offer amendments, or may vote against the proposal.

Your Committee heard from Felicia Cowden, resident, who stated that \$7.75 per hour for an eight (8) hour workday equates to \$62.00 per day gross pay, and approximately \$50.00 take-home pay. Ms. Cowden stated

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 6 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

O:

Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
BLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

that this is unacceptable, "less than a Subway sandwich per hour" compensation. Council Chair Rapozo stated that he wonders how much gasoline will cost if all gas station workers will begin making \$15.00 per hour. Councilmember Yukimura asked rhetorically, "If employers cut health benefits in order to fund the minimum wage increase, would employees really be better off?" Councilmember Kaneshiro asked Ms. Cowden how a \$15.00 minimum wage would have affected her former business, Hanalei Surf Company. Ms. Cowden said it would not necessarily have increased everyone's pay proportionally. Councilmember Hooser referenced back to the U.S. Department of Labor information. Committee Chair Kualii asked about Hanalei Surf Company's employees and gross sales. Ms. Cowden stated that when she owned the company she employed approximately forty-five (45) to fifty (50) employees, with gross sales substantially over \$500,000. Committee Chair Kualii asked if she decided to essentially share some of that profit with her employees in the form of wages and benefits, to which Ms. Cowden stated yes.

Your Committee heard from John Zwiebel, resident, who stated his support for the proposal, and that worker productivity has been increasing since World War II. Mr. Zwiebel further stated that in 2014, \$27,000 was needed for a family of four (4) to live above the poverty level, whereas the current minimum wage amounts to only \$16,000 per year.

Your Committee heard from Sandra Herndon, resident, who stated her support for the proposal. Ms. Herndon stated that tourism is a focus of business in Hawai'i, but workers who support the industry do not earn a livable wage. Ms. Herndon further stated that when parents work two (2) or three (3) jobs, this does not produce healthy families, which is a recipe for more problems in the community. Other industries could be developed in Hawai'i. Councilmember Yukimura asked for a definition of "livable wage," to which Ms. Herndon replied quality of life and the ability to provide minimum shelter, healthy food to eat, time with one's children, and health care.

Your Committee heard from Raymond Catania, resident, who stated that he is a retired State government employee, and continues to work part-time. Mr. Catania stated that the condition of the working class is "not an experiment." Mr. Catania is a member of Kauai Fights for 15, which advocates for labor causes and discusses employment issues with workers at their homes. He states that workers are scared, and that wealthy corporations do things such as hire only part-time employees under twenty (20) hours per week, so as not to pay them health care, and then terminate the employment of workers who achieve seniority and begin earning higher pay scales. Councilmember Yukimura asked for Mr. Catania's thoughts on the tiered approach. Mr. Catania said he had not heard of it before, but that some small businesses can also be quite "ruthless" and he does not want Hawai'i to maintain a "tradition" of poverty. Councilmember Kaneshiro asked if Mr. Catania supports the proposal even though it does not distinguish between large and small businesses, to which Mr. Catania stated yes.

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 7 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Your Committee heard from Elise Bryant, visitor, who stated that she is a retired Professor of Labor Studies and a small business owner. She is not surprised by Kaua'i's cost of goods, because where she lives in the Washington, D.C./Maryland/Virginia area a box of cereal costs \$6.00. Ms. Bryant further stated that businesses fail not due to the cost of wages, but because of business acumen and "survival of the fittest." Productivity increases when pay and benefits increase. Ms. Bryant stated that it is government's job "to make a more perfect union." In response to questioning by Councilmember Yukimura, Ms. Bryant stated that her small business is a non-profit that is "the heart and soul of the labor movement" with an online catalog service and conferences, and a network of artists and cultural workers around the United States.

Your Committee heard from Ann Hashisaka, resident, who stated that she is reluctant to speak but would like to offer her perspective for the many who remain silent. Ms. Hashisaka stated that she is a third generation small business operator for Kaua'i Kookie. She stated that the proposal is broad and lawmakers should be mindful that a minimum wage increase could destroy a business. In response to questioning by Council Chair Rapozo, Ms. Hashisaka stated that Kaua'i Kookie employs thirty (30) to forty (40) people, including full-time, part-time, manufacturing, and retail. She stated that businesses do not pay only wages, but also operating costs such as rent. In response to questioning by Councilmember Yukimura, Ms. Hashisaka stated that it would be difficult to tell a "veteran employee" that he or she would not receive a pay increase while the less skilled newer employees receive large increases. Ms. Hashisaka further stated that she would like the opportunity to learn from the business members of the Kaua'i Chamber of Commerce who submitted written testimony in support of the minimum wage increase, because presumably those business must be remarkably successful to withstand the increase. In response to questioning by Councilmember Kagawa, Ms. Hashisaka stated that all of their employees earn more than minimum wage, but she declined to discuss details of what their employees are paid. When asked if she supports the tiered system, Ms. Hashisaka stated "we are too big to be small, too small to be big," and, for example, pay much more under "Obamacare."

Your Committee heard from Sandi Kato-Klutke, resident, who stated that she is present on behalf of small businesses, including her own. Ms. Kato-Klutke stated that if she paid herself \$15.00 per hour, then after insurance, vehicles, gasoline, and products, her business would make no money. Ms. Kato-Klutke stated this issue is especially important to small farmers. Ms. Kato-Klutke further stated that she previously worked as General Manager of a hotel, where employees are paid more than minimum wage and earn free medical, 401K plans, sick leave, and vacation leave. A minimum wage increase to \$15.00 would actually be \$21.00 considering other benefits.

Your Committee heard from Dylan Hooser, resident, who stated that he supports the proposal. Mr. Hooser stated that it is not the goal to attack small business, but offered the example of his adult friend who works full-time at a shrimp factory and earns \$400.00 per week before taxes.

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 8 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

Mr. Hooser further stated that he would also support a tiered system. Committee Chair Kualii stated again that the proposal would be transmitted to the Legislature for their further action. Councilmember Hooser asked if the Council could also amend the proposal before it is transmitted. Committee Chair Kualii stated yes.

Your Committee heard from Joe Rosa, resident, who stated that he supports the proposal. He approves of the system used in Japan, where cuts are made to executives first, "from the top, down." Mr. Rosa stated that laborers should not be slaves, and that even in the County the Mayor may receive a \$7,000.00 pay raise while union workers only receive \$3.00.

Your Committee heard from Ken Taylor, resident, who stated that he supports the proposal, and that raising the minimum wage has been neglected for a long time. Mr. Taylor stated that if small businesses do not "pay," society as a whole "pays" for services such as housing subsidies. Mr. Taylor further stated that if employers are concerned about the drastic increase from \$10.10 to \$15.00, they could voluntarily impose incremental increases on themselves. Councilmember Yukimura stated that the minimum wage was just recently increased.

Your Committee heard from George Thronas, Jr., resident, who stated that he opposes the proposal due to the drastic increase of \$4.90 in just one (1) year, while it has previously been increases of \$0.75. Mr. Thronas further stated that the Council's approval of this proposal would send a strong message of the Council's and the Kaua'i Community's support. Mr. Thronas suggested a general statement about raising the minimum wage, asking the Legislature to conduct the research. Councilmember Hooser asked Mr. Thronas if he supports the intent of a minimum wage increase. Mr. Thronas stated yes, but not with a "huge jump" and perhaps not to \$15.00. In response to questioning by Councilmember Hooser, Mr. Thronas had not committed to an answer of whether or not minimum wage increases should be automatically tied to a Consumer Price Index (CPI) adjustment.

Your Committee heard from Leeona Thompson, resident, who stated that the 2015 cost of living for a 2-bedroom home in Hawai'i required an income of over \$30.00 per hour, which need will likely be higher in 2019. Ms. Thompson stated that services and tourism run the local economy, and that a study by Robert Reich shows that increased minimum wages allow locals to buy more local products. Ms. Thompson further stated that she would not oppose amendments for a tiered approach, perhaps based on number of employees. Councilmember Yukimura stated that generally increased minimum wages can stimulate the economy, but if the increase is too high businesses will close and jobs will be lost. Committee Chair Kualii reiterated that amendments can be made by the State Legislature.

Councilmember Kaneshiro moved to amend C 2015-227 as shown in Attachment F, which is attached hereto and incorporated herein, seconded by Councilmember Yukimura.

From the
COUNTY COUNCIL
Lihue, Hawai'i

Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 9 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Committee Chair Kualii stated that he has asked Councilmember Kaneshiro to introduce a Floor Amendment by his request, which offers a tiered approach based on the Minnesota law, and based on the statistic from the Chamber of Commerce of Hawai'i testimony that 80% of their members have less than twenty (20) employees. Councilmember Hooser thanked Committee Chair Kualii for the amendment, and mentioned possibly offering an additional amendment that would establish an automatic cost of living increase beginning in 2020 to keep up with inflation.

Councilmember Kaneshiro stated that he is in favor of working to increase the minimum wage, but does not support insertion of arbitrary numbers, and does not believe it is the Council's responsibility to solve the statewide minimum wage issue. Therefore, he cannot support the Floor Amendment. Councilmember Yukimura stated that even a lesser increase for small businesses from \$10.10 to \$12.50 is still a substantial increase for one (1) year and is greater than the approximately \$0.50 increases currently established. Councilmember Yukimura further stated her concern regarding choosing twenty (20) employees as the threshold, rather than perhaps forty (40), and what the impacts to the hotels might be. She further stated that if the Council is going to take a stance on this issue, the progression is not gradual enough and the amounts require more thought. Councilmember Chock stated that he would like more vetting of the issue, but thinks the Floor Amendment is a positive step in the right direction. Councilmember Chock further stated that he will be seeking data from the Kaua'i Chamber of Commerce regarding how to possibly distinguish between large and small businesses.

Councilmember Chock asked for the justification behind the Floor Amendment's \$4.90 increase. Committee Chair Kualii stated that a national movement supporting \$15.00 per hour is in place, and he therefore believes it is appropriate to ask the Legislature to consider that dollar amount. Councilmember Chock asked how the Movement decided on \$15.00, and whether it was based on cost of living. Committee Chair Kualii stated he believes so, yes, and referenced the citation of Hawai'i earners needing more than \$30.00 per hour to support their families.

Councilmember Kagawa stated that he appreciates the discussion, but Hawai'i is different from the other places that have enacted a \$15.00 minimum wage, in that Hawai'i does not have employers such as Boeing, professional sports, or multiple major universities. Councilmember Kagawa further stated that concluding Hawai'i's small businesses could handle this increase is just a guess, and that small business owners were here expressing their sincere concerns. Councilmember Kagawa referenced back to the MIT findings, and stated that in speaking with various State legislators, their suggestion was that the Council focus on its direct County functions, such as the real property tax system, and allow the Legislature to decide this issue.

Council Chair Rapozo stated that he appreciates the quick responses from Janine M. Z. Rapozo, Director of Human Resources, regarding various questions submitted by Councilmembers relating to the August 19, 2015 Council Meeting. Council Chair Rapozo asked Committee Chair Kualii

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 10 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

O:

Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

about the use of "and" compared to "and/or" in the Floor Amendment relating to a large business. Committee Chair Kualii confirmed that the wording is intentional, requiring both a sales amount and employee threshold amount before a business would be considered large and subject to paying a higher minimum wage amount. Council Chair Rapozo restated his earlier concern regarding disincentivizing the hiring of additional employees. Council Chair Rapozo further stated that he supports moving the proposal to HSAC for the Executive Committee's further consideration and a statewide discussion, but only if a tiered system were used rather than the \$4.90 increase. Council Chair Rapozo stated his concern that increased pay for lower-level employees will cause pressure on employers, including the County, to provide raises to higher-level employees also.

Your Committee heard from Janine M. Z. Rapozo, Director of Human Resources. Councilmember Yukimura referenced her questions and responses sent via E-mail (Attachment G). Councilmember Yukimura asked for explanation regarding question #1, to which Ms. Rapozo stated that the County's additional annual costs in order to increase pay to \$15.00 for positions currently below this amount, would be \$255,577.54. Regarding question #2, Ms. Rapozo stated that there would be no legal requirement to increase wages for positions already above \$15.00, but there may be practical issues of unfairness, and there are step movements for years of service, skills, and experience within the merit system.

Committee Chair Kualii referenced an additional memorandum of responses to questions and a spreadsheet, dated August 25, 2015 (Attachment H). Referencing the spreadsheet, Committee Chair Kualii stated that out of approximately 1,200 to 1,300 total County employees, only forty-seven (47) employees earn less than \$15.00, not counting summer interns. Committee Chair Kualii stated that the testimony from UNITE HERE Local 5 requested a minimum wage exception for employees covered by collective bargaining agreements. Ms. Rapozo stated that during collective bargaining negotiations, the entire "package" is evaluated, but that she has not considered the impacts of the exception mentioned. Ms. Rapozo further stated that the summer hire program was designed for students, but currently the hires also include adults such as janitors and teachers on summer break. Committee Chair Kualii stated that this discussion is just the beginning and would continue at the Legislature.

Returning to discussion of the Floor Amendment, Councilmember Hooser thanked Committee Chair Kualii for the amendment and discussion. Councilmember Hooser stated that the minimum wage is the Council's responsibility, as much as school lunches, medical marijuana dispensaries, and other issues. Councilmember Hooser stated the issue is not "biting the hand that feeds you" with the small businesses, but rather exerting the power that workers deserve. Councilmember Hooser encouraged Councilmembers to introduce amendments addressing their concerns and find ways to say yes rather than no, and referenced back to the U.S. Department of Labor information. Councilmember Kagawa pointed out that economists differ and the U.S. Department of Labor information is not the final word on the matter, referencing the MIT findings.

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 11 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Councilmember Kagawa stated that he is not opposed to the intentions of the proposal, but rather the details.

Council Chair Rapozo stated that raising the minimum wage would actually help large businesses because they have sufficient funds to absorb heightened costs and will benefit further when their competition—small businesses, like Ishihara Market and Kaua'i Kookie—are suffering or forced to close. Councilmember Kaneshiro stated that he is unclear who the proposal would be helping, whereas small business owners testified that they would be negatively affected. He searched job postings on Craigslist yesterday and observed only \$10.00 and \$12.00 job postings, and nothing as low as the current minimum wage of \$7.75 per hour. Councilmember Kaneshiro further stated that he agrees fully with the proposal's intent, and perhaps the tiered approach, but not arbitrary numbers without clear reasoning.

Councilmember Yukimura stated her appreciation for the informative public testimony. She stated that it is clear economists do not agree on this issue, and the question is what wage rate is the correct solution to support workers and the economy. Councilmember Yukimura further stated that it is also important to make other cost-saving services available to the public, such as bus service. Committee Chair Kualii also thanked everyone for their testimony, and stated appreciation for the unions and labor organizations advocating for worker rights. Committee Chair Kualii referenced back to the Hawai'i State AFL-CIO testimony that a \$15.00 wage would help low-income families afford rent and basic necessities, and help the homeless. He stated that Economic Development is not only about starting businesses, but also caring for workers who serve as the backbones of those businesses. Committee Chair Kualii further stated his reminder that approval of the agenda item will only send the proposal to HSAC for possible inclusion in their Legislative Package.

The motion to amend C 2015-227 was then put, and failed by a vote of 2:3 (*Councilmembers Kagawa, Kaneshiro, and Yukimura voting no*).

Councilmember Hooser thanked Raymond Catania and others in the community for advocating on this issue. Regarding who would be helped by the minimum wage, Councilmember Hooser stated that workers at Jack in the Box and other fast-food restaurants would be helped, as would shopping center employees, retail clerks, and janitors. Councilmember Hooser referenced back to the U.S. Department of Labor information. Councilmember Hooser further stated that the only objections of significance raised against the proposal are the concerns about small business, and the large \$4.90 increase, both of which the Floor Amendment attempted to address. Councilmember Hooser further stated that he does not believe the \$15.00 figure is arbitrary due to studies and the national movement, and again encouraged other Councilmembers to introduce amendments or request a deferral of this agenda item for further work. Committee Chair Kualii stated that the logistical Legislative Package deadline for Council action on the proposal is the September 2, 2015 Council Meeting, so any further amendments would need to be introduced and voted on at that time.

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 12 of 13

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS

From the
COUNTY COUNCIL
Lihue, Hawai'i

Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Councilmember Kagawa stated that an amendment he could support would be the language suggested earlier by Councilmember Kaneshiro, namely a general policy statement, without a dollar amount, asserting that the State took correct action increasing the minimum wage over the course of a number of years with legislation passed in 2014, and that the Council requests the Legislature's further examination and action regarding 2019 and beyond. Councilmember Kagawa agreed that economists differ on the matter and that the data is not a "slam dunk" for either side, such that it should be the State that decides the issue after conducting further research.

Councilmember Chock stated he had hoped the Floor Amendment would pass. He would like to support the overall proposal, but perhaps with an amendment regarding incremental increases and tiers, perhaps including tiers for trainees and students, as used by Minnesota.

Councilmember Kaneshiro stated that the State has already enacted an eventual increase to \$10.10 in 2018. He stated that he can support a general policy statement, as he expressed earlier, but that he would not feel comfortable or equipped to answer a direct question such as, "Why did you vote for \$15.00 rather than \$33.00?" Councilmember Kaneshiro further stated that people are not forced to work in a minimum wage position, but rather in a free market economy higher wages can be earned based on experience and skills, and employers are already discouraged from being unreasonable in compensating their employees because as a result they will struggle to find employees. Councilmember Kaneshiro stated that he remains concerned about the unintended consequences for small businesses—entrepreneurs who have taken risks with their personal finances in order to succeed. Councilmember Kaneshiro further stated that he personally worked for minimum wage in the past and used the experience he gained to get a higher-paying job. Committee Chair Kualii provided details he recently obtained from Kaua'i's Jack in the Box: sixty-five (65) Team Members earn \$9.00 per hour, and one (1) Lead earns \$11.50 per hour.

Councilmember Yukimura stated that the Floor Amendment did not fully address the two (2) concerns mentioned by Councilmember Hooser, and invited the proposal's supporters to encourage small businesses to testify in support of the Floor Amendment if truly it alleviates the concerns. Councilmember Yukimura further stated that wages are just part of an employee's total benefits package, and that if an increased minimum wage is the vehicle for correcting societal injustices, the problems and solutions would need to be well-documented and thoughtful.

Committee Chair Kualii explained that the general support option articulated by Councilmember Kaneshiro and Councilmember Kagawa could be included in the related Resolution No. 2015-57, but not in the Proposed State Bill as-written, which functions to suggest specific language to amend the Hawai'i Revised Statutes (HRS). Committee Chair Kualii agreed that lower dollar amounts and more gradual phase-ins could be used, but stated again that his suggested threshold of twenty (20) employees was based on information already received by the Chamber of Commerce of

Report Of The
COMMITTEE
ON

COMMITTEE REPORT
NO. CR-EDIR 2015-04
Page 13 of 13

**ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL
RELATIONS**

From the
COUNTY COUNCIL
Lihue, Hawaii

TO:

X Mayor

Civil Defense
County Attorney
Economic Development
Elderly Affairs
Finance Dept.
Fire Dept.
Housing
Information Technology
Liquor
Parks & Recreation
Personnel Services
Planning Dept.
Police Dept.
Prosecutor
Purchasing
Real Property Div.
Transportation
Water Supply, Board of
PUBLIC WORKS
County Engineer
Building Division
Fiscal Section
Highways Division
Solid Waste

Hawaii. Committee Chair Kualii stated that the purpose of the proposal is to encourage the Legislature to remain involved in this issue beyond 2018, on behalf of Hawaii's workers. Committee Chair Kualii further stated that, like many issues, experts on each side have opposing viewpoints and action comes down to not just data but also what a Councilmember believes and has learned from the history of the issue across the country. Committee Chair Kualii stated that it was his responsibility as Chair of this Committee to put forward this proposal for public discussion, and thanked all Councilmembers and community participants for their work and participation.

The motion to recommend approval of C 2015-227 was then put, and failed by a vote of 2:3 (Councilmembers Kagawa, Kaneshiro, and Yukimura voting no). Pursuant to Rule No. 6(d) of the Rules of the Council of the County of Kaua'i, your Committee on Economic Development & Intergovernmental Relations recommends that C 2015-227 be received for the record.

Respectfully submitted,

ADOPTED

Meeting Held On 09-02-2015

	Aye	Nay	Exc.
Chock	X		
Hooser	X		
Kagawa	X		
Kaneshiro	X		
Kualii	X		
Rapozo	X		
Yukimura	X		
TOTAL	7	0	0

Kipukai Kualii, Chair

JoAnn A. Yukimura, Vice Chair

Gary L. Hooser, Member

Ross Kagawa, Member

Arryl Kaneshiro, Member

COUNTY COUNCIL
County of Kaua'i
Lihue, Kaua'i, Hawaii

DRAFT

COUNTY COUNCIL
COUNTY OF KAUAI

Resolution

**RESOLUTION ADOPTING THE RULES OF THE COUNCIL OF THE
COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES
AND THE TRANSACTION OF BUSINESS**

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. The attached Rules of the Council of the County of Kauai are hereby adopted.

SECTION 2. In interpreting the rules, the intent of the Council shall be deemed to have been to: (a) carry out the majority view of the Council, yet provide the minority fair opportunity to express its view, and (b) provide a written guide for an efficient and defined parliamentary procedure for Council deliberations so that its actions may be based on an informed and reasoned discussion of issues.

SECTION 3. All meetings and deliberations of the Council shall be governed by the rules.

SECTION 4. The approved rules shall be subject to amendment as provided for therein.

SECTION 5. This Resolution shall take effect upon its approval.

Introduced by:

MEL RAPOZO

V:\RESOLUTIONS\2016-2018 TERM\Rules Resolution (2016-2018 Term) SS_dmc.docx

	Aye	Nay	Excused	Recused
Brun				
Chock				
Kagawa				
Kaneshiro				
Kawakami				
Rapoza				
Pukimura				
Total				

Certificate Of Adoption

We hereby certify that Resolution No. _____
was adopted by the Council of the County of Kauai, State of
Hawaii, Lihu'e, Kauai, Hawaii, on _____.

County Clerk
Dated

Chairman & Presiding Officer

RULES OF THE COUNCIL OF THE COUNTY OF KAUAI

TABLE OF CONTENTS

	Page Number
Rule No. 1 Meetings	3
Rule No. 2 Quorum and Vote: Exceptions Listed	5
Rule No. 3 Officers and Their Duties	6
Rule No. 4 Committees	9
Rule No. 5 Voting, Attendance, and Absence	12
Rule No. 6 Motions	13
Rule No. 7 Appeal	15
Rule No. 8 Disclosure of Interest	15
Rule No. 9 General Provisions Regarding Bills, Resolutions, Motions, and Amendments	15
Rule No. 10 Certificates	16
Rule No. 11 Testimony	17
Rule No. 12 Public Hearings	18
Rule No. 13 Order and Decorum	19
Rule No. 14 Order of Business for Council Meetings	19
Rule No. 15 Agenda and Priority of Business	20
Rule No. 16 Minutes	21
Rule No. 17 Restriction on Employment of Relatives	21
Rule No. 18 Communications With the County Attorney	22
Rule No. 19 News Reporters	22
Rule No. 20 New Rules and Amendments	22
Rule No. 21 Suspension of the Rules	22
Rule No. 22 When Rules Are Silent	22

**RULE NO. 1
MEETINGS**

(a) Recommended Procedure for Initial Convening of the Council.

(1) When the time specified by law arrives for the first convening of the newly elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary Clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three (3) members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oath having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chairperson shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk; adopt the Rules of the Council; and appoint the Chairperson, Vice Chairperson, and members of the several Standing Committees by resolution.

(b) Regular Council Meetings; Relocation. Regular meetings of the Council shall be held in the Historic County Building or Līhu'e Civic Center in Līhu'e, County of Kaua'i, State of Hawai'i, or at a location designated by the Council, at 8:30 a.m. or other time designated by the Council, at least twice a month on a Wednesday, or on such day as the Council may designate. The Council by majority concurrence of its members may designate other locations, days, or times for its meetings.

(c) Standing Committee Meetings. When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on another day if such Wednesday is untimely. The Public Works / Parks & Recreation Committee shall convene first, followed by the Public Safety Committee, the Community Assistance & Veterans Services Committee, the Planning Committee, the Economic Development & Intergovernmental Relations Committee, the Budget & Finance Committee, and the Committee of the Whole.

(d) Special Meetings. Pursuant to the Charter and Chapter 92, Hawai'i Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five (5) or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawai'i Revised Statutes.

(e) **Executive Sessions.** All Council and Council Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai'i Revised Statutes. The Council or Council Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai'i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, for one (1) or more of the following purposes:

(1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) To deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;

(3) To consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities;

(4) To investigate proceedings regarding criminal misconduct;

(5) To consider sensitive matters related to public safety or security;

(6) To consider matters relating to the solicitation and acceptance of private donations; and

(7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai'i Revised Statutes, the Council may hold an emergency meeting, provided that:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

“Emergency” is generally confined to natural disasters where immediate relief is needed for the public.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among County representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council’s or the Committee’s agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai‘i Revised Statutes. The workshop agenda may include the introduction of participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

RULE NO. 2

QUORUM AND VOTE: EXCEPTIONS LISTED

(a) **Council.** A physical majority (4) of the entire membership of the Council shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required for the following:

- (1) To authorize the issuance of general obligation bonds;
- (2) To override the Mayor’s veto;
- (3) To suspend without pay for not more than one (1) month any member for disorderly or contemptuous behavior or for personal vilification in its presence;
- (4) To authorize, after consultation with the County Attorney, the public release of opinions upon questions of law rendered by the Office of the County Attorney that have been requested by the Council;
- (5) To hold an emergency meeting; and
- (6) To authorize the employment of special counsel.

DRAFT

(b) **Absence of Council Quorum.** In the absence of a physical quorum during any official meeting of the Council, the Council shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

RULE NO. 3 OFFICERS AND THEIR DUTIES

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the absence or disability of both the Chair and Vice Chair, the Chair of the Budget & Finance Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Economic Development & Intergovernmental Relations Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer:

- (1) To convene all meetings of the Council at the appointed time by taking the Chair and calling the Council to order;
- (2) To call for the approval of the minutes of the preceding meeting(s) when a quorum is present;
- (3) To maintain order and proper decorum;
- (4) To announce the business before the Council in the order prescribed by these rules;

(5) To receive and to determine for disposition all matters properly brought before the Council, to call for votes upon the same, and to announce the results;

(6) To authenticate by signature all acts of the Council as may be required by law;

(7) To make known all Rules of Order when so requested and to decide all questions of order, subject to an appeal to the Council;

(8) To announce the result on any matter voted on by the Council, and in case of a tie vote, to order that the matter be made the special order of the day for the next regular meeting;

(9) To act as the Council's liaison in dealing with the Office of the County Clerk's functions; to provide for the coordination of all administrative activities in the legislative branch, Office of the County Clerk, and Office of the County Auditor, to see that they are honestly, efficiently, and lawfully conducted; to sign all instruments requiring execution or agreement by the Council; to act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai'i Revised Statutes; and to perform other duties as may be required by law, or as may properly appertain to such office;

(10) To approve Councilmembers' travel requests;

(11) To receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications addressed to the Council shall be properly recorded and made available to the public upon request, except as otherwise provided by law; and

(12) To hold a Chair's meeting, as needed, with the Clerk or Council Services Staff, to informally discuss scheduling, operational, or procedural matters, that are within the decision-making authority of the Chair, and that do not require Council approval.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.

(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of a Committee Chairperson who is absent.

DRAFT

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law:

- (1) To read bills, resolutions, and other matters to the Council, if so required;
- (2) To forward at once to the proper parties all communications and other matters, either directly or through a Committee, as the case may be;
- (3) To deliver to the appropriate Committee all petitions, resolutions, bills, or other matters, as may be duly referred to the Committee;
- (4) To note all questions of order with the decision thereon, collect the same together, and append them to the minutes;
- (5) To make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;
- (6) To have charge and be responsible for of all records of the Council;
- (7) To be responsible for the administration of the Office of the County Clerk;
- (8) To advertise digests of all bills passed on first reading in accordance with law;
- (9) To enter objections of the Mayor in the minutes of the Council upon receipt of bills vetoed and place such objections related to bills on the agenda as directed by the Chair;
- (10) To certify ordinances; and
- (11) To serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or as properly pertain to the position.

**RULE NO. 4
COMMITTEES**

There shall be four (4) kinds of Committees, namely: (a) Standing Committees, (b) Joint Committees, (c) Sub-Committees, and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of both five (5) voting members and two (2) ex-officio members, except for the Committee of the Whole and the Budget & Finance Committee, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum or whether a quorum is present. Ex-officio members shall also not have a right to make or second motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) **A Committee on Public Works / Parks & Recreation** consisting of five (5) voting members and two (2) ex-officio members. The Public Works / Parks & Recreation Committee shall consider all matters pertaining to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, parks, beaches, recreational areas, stadiums, Neighborhood Centers, Kaua'i War Memorial Convention Hall and the services provided, all recreational facilities, Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, and legislation relating to the Committee.

(2) **A Committee on Public Safety** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety Committee shall consider all matters pertaining to Police, Fire, the Office of the Prosecuting Attorney, Civil Defense, Liquor Control, legal issues relating to public safety, and legislation relating to the Committee.

(3) **A Committee on Community Assistance & Veterans Services** consisting of five (5) voting members and two (2) ex-officio members. The Community Assistance & Veterans Services Committee shall consider all matters pertaining to housing, public transportation, the Agency on Elderly Affairs, Veterans services, and legislation relating to the Committee.

(4) **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider all matters pertaining to land use, the General Plan, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, Department of Water, and legislation relating to the Committee.

(5) **A Committee on Economic Development & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Economic Development & Intergovernmental Relations Committee shall consider all matters relating to economic development programs and initiatives relating to tourism, the visitor industry, military, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(6) **A Committee on Budget & Finance** consisting of all members of the Council. The Budget & Finance Committee shall consider all matters pertaining to finances, revenues, taxes, real property tax, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider all matters pertaining to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Department of Human Resources, appointments to boards and commissions, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. Such referral shall be sufficient to establish Joint Committees. Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first named Standing Committee. Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee from time to time as the occasion requires, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) A Special Advisory Committee shall consist of at least one Councilmember and may include members from the private and non-profit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact finding and evaluation of issues, and shall make recommendations with regard to these issues. To avoid duplication, only one (1) Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

- (1) The purpose of the Committee;
- (2) The members of the Committee;
- (3) The Committee's scope of work; and
- (4) The timetable under which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report from time to time upon all matters referred to them.

(1) Whenever any matter shall be referred to a Committee it shall be the duty of the Committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, documents and records searched, and the Committee shall bring all facts pertaining to such matter before the Council.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments, if any, proposed. If an amended bill or resolution is in place of the one referred to the Committee, the Committee must agree with the subject of the one submitted and returned to the Council.

(3) Whenever a Committee fails to agree, the majority of voting members shall report and the same shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

**RULE NO. 5
VOTING, ATTENDANCE, AND ABSENCE**

(a) **Voting Methods.** There shall be four (4) methods of ascertaining the decision of the Council or Committees upon any matter:

- (1) A call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;
- (2) Voice vote;
- (3) Rising; and
- (4) Unanimous consent.

(b) **Silent Vote.** Unless a member is formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) **Voting Required.** No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in the matter, shall leave the meeting room while the matter is being considered, and shall be deemed recused.

(d) **Attendance.** No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.

(e) **Council Absence or Recusal.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence or recusal of a member, the item shall be made the special order of the day for the next regular Council meeting.

(f) **Committee Absence or Recusal.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion, because of the absence or recusal of a voting member, the item shall be referred to the next agenda of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent of the members present.

RULE NO. 6
MOTIONS

(a) No motion may be considered until the same has been seconded.

(b) After a motion is stated or read by the Presiding Officer, it is deemed in the possession of the body, and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any question whatsoever is under discussion, the motions relative thereto shall be to:

- (1) Lay on the table (no debate);
- (2) Postpone or defer to a certain time (no debate);
- (3) Commit or refer;
- (4) Amend; or
- (5) Postpone indefinitely: When a question is postponed indefinitely, the same shall not be acted upon again or revised at any subsequent meeting in the calendar year in which the question was so disposed.

The motions shall have precedence in the order named. The first two (2) motions shall be decided without debate and shall be put as soon as made.

(d) When any motion is decided in the negative, it shall not be revived at the same meeting relative to the main question under discussion. If all are negative, the only remaining question shall be as to the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive a matter fails in Committee, then the matter shall remain in Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the recommendation of the Committee is made to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The purpose of the motion to call for the question is to end debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider it and such motion shall take precedence over all other questions except a motion to adjourn; except that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four (24) hours.

(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for.

(1) When the Chair or any member thinks that the rules are being violated, the Chair or member may raise a point of order (or "raise a question of order"), thereby calling upon the Chair for a ruling and an enforcement of the rules. Such question shall be decided by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the judgment of the body on any point of order.

(2) Whenever any person is called to order while speaking, that person shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the ruling made on the point of order.

**RULE NO. 7
APPEAL**

The Council or Committee may, by a majority vote, overrule the decision of the Chair upon a motion of appeal which is duly seconded.

**RULE NO. 8
DISCLOSURE OF INTEREST**

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to such body.

**RULE NO. 9
GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS,
MOTIONS, AND AMENDMENTS**

(a) **Introduction.** Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer; otherwise it shall not be considered.

(b) **Manager.** Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of such legislation including the securing of all pertinent information regarding the matter.

(c) **Placement on Agenda.** All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated Presiding Officer as stated in Rule No. 3) in order to be placed on the agenda.

(d) **Amendment of Bills and Resolutions.** No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) **Motions and Amendments.** Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read by the County Clerk upon request by any member.

(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers, when so required.

DRAFT

(g) **Resolution Readings.** Except as otherwise provided by the Charter, resolutions shall be adopted on one (1) reading by the affirmative vote of a majority of the entire membership of the Council.

Eminent Domain Resolutions. Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Not less than three (3) copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are hereby waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven (7) days before final reading by the Council. Not less than three (3) copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven (7) days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which shall have passed the Council and which shall have been duly authenticated, shall be presented to the Mayor for approval. Thereafter, action on the same shall be governed by the procedure set forth in Charter Section 4.03.

RULE NO. 10 CERTIFICATES

Certificates are non-legislative in nature and are intended to recognize people or organizations for outstanding achievements, to offer thanks, to honor retirees, to offer condolences, or to support the observance of certain time periods in recognition of certain causes.

(a) Certificates are approved upon signing and require no other Council action.

(b) The sponsoring Councilmember shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

**RULE NO. 11
TESTIMONY**

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) **Written testimony.** Written testimony shall be received for the record on any agenda item. The proponent shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) **Oral testimony.**

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Persons testifying are entitled to the floor only when recognized by the Chair.

(3) Persons testifying may state their name and whom they represent, and shall state whether they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes. Registered lobbyists shall file the requisite forms with the Office of the County Clerk pursuant to Ordinance No. 999.

(4) Persons testifying shall testify only on the subject matter under consideration, shall refrain from questioning the Councilmembers and staff personnel, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time thirty (30) seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.

DRAFT

(7) The Chair shall grant time to speak to persons who have not registered, following the registered speakers, in same manner as registered speakers.

(8) Speakers shall restrict themselves to the issues and avoid discussion of personalities.

(9) The Chair may restrict or terminate a speaker's opportunity to speak for intemperate or abusive behavior or language.

(10) The Chair may allow Councilmembers to ask speakers to repeat or rephrase statements made during their testimony, but Councilmembers shall not ask questions that give the speaker a greater opportunity to testify than others. Councilmembers shall not ask speakers about the substance of their testimony, or comment on testimony or speakers during the testimony period.

RULE NO. 12 PUBLIC HEARINGS

(a) **Committee Hearings.** Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) **Council Hearings.** Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) **Action Following Public Hearings.** Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) **Location of Hearings.** All public hearings of the Council or Committees shall be held in the Historic County Building, Līhu'e Civic Center, or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) **Conduct of Public Hearings.**

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer, and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

**RULE NO. 13
ORDER AND DECORUM**

(a) No person shall sit at the desk of the Presiding Officer of the Council or County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer is putting any question or addressing the body, or when a member is speaking, no one shall entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding discussion of personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

**RULE NO. 14
ORDER OF BUSINESS FOR COUNCIL MEETINGS**

After roll call, and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

- (a) Consent calendar;
- (b) Items made the special order of the day;
- (c) Messages from the Mayor;
- (d) Reports and communications from County officers;
- (e) Reports and communications from non-County parties;
- (f) Reports of Standing Committees;
- (g) Reports of Other Committees;

- (h) Introduction of bills and resolutions;
- (i) Unfinished business;
- (j) Order of the Day, including adoption of resolutions and second reading of bills;
- (k) Miscellaneous business;
- (l) Public hearings may be held at the time set in previous meetings of Council.

**RULE NO. 15
AGENDA AND PRIORITY OF BUSINESS**

(a) All communications submitted to the Council shall be time-stamped upon receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two (2) weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any item so removed shall be considered after the vote upon the consent calendar. The Council Chair shall determine the most appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with the provisions of Chapter 92, Hawai'i Revised Statutes. Notices and agendas for all regular, Standing Committee, special, and executive session meetings shall be posted on the County of Kaua'i's website. Failure to post notices and agendas on the County of Kaua'i's website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was given or posted in accordance with Chapter 92, Hawai'i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai'i Revised Statutes, the Council or Committees shall not change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted on by the Council Chair or Committee Chair, and shall be decided without debate.

**RULE NO. 16
MINUTES**

(a) Pursuant to Section 92-9, Hawai'i Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall give a true reflection of the matters discussed and the views of the participants.

(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

**RULE NO. 17
RESTRICTION ON EMPLOYMENT OF RELATIVES**

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government, any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

DRAFT

(d) For the purpose of this rule, "public officer" means members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

RULE NO. 18 COMMUNICATIONS WITH THE COUNTY ATTORNEY

Requests for opinions as to questions of law made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject matter of the request has been placed on a Council or Committee agenda, then the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.

RULE NO. 19 NEWS REPORTERS

News reporters wishing to take notes of the business of the Council may be assigned such places by the Presiding Officer without interfering with the convenience of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography may be submitted to the Office of the County Clerk in writing within five (5) days prior to the meeting.

RULE NO. 20 NEW RULES AND AMENDMENTS

No rule of the Council may be altered or rescinded nor may any new rule be adopted without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

RULE NO. 21 SUSPENSION OF THE RULES

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

RULE NO. 22 WHEN RULES ARE SILENT

The rules of parliamentary practice as set forth by the current edition of "Robert's Rules of Order, Newly Revised" shall govern the Council where not inconsistent with these rules.